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=Minutes

JANUARY 6, 1988 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, January 6, 1988 at 1700 hours in Executive Session.

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1. Attorney-Client Conference

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

JANUARY 6, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 6, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 18, 1987

Approval of Minutes of Meeting of September 18, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 9-88

ROBERT COOK vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Robert Cook in the sum of $30,000.00 entitled "Robert Cook vs. City and County of San Francisco, et al" in United States District Court No. C86-5357TEH as a result of damages sustained be, and the same is hereby approved.

Date of Incident: September 7, 1985

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 10-88

WILLIAM E. ROBINSON & JANET L. MEYER-ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William E. Robinson & Janet L. Meyer-Robinson in the sum of $740.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 11-88

RONALD A. PIAZZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald A. Piazza in the sum of $736.20 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 12-88

STATE FARM INSURANCE (INS: GERACIMOS, STEVE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Ins: Geracimos, Steve) in the sum of $729.93 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 4, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 13-88

ROBERT J. RYAN, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Ryan, Jr. in the sum of $687.05 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 14-88

FRANKLIN D. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Franklin D Miller in the sum of $636.01 as a result of damag sustained, be, and the same is hereby approved.

Date of Incident: October 25, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

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RESOLUTION NO. 15-88

THE CITY TOW (BLUNT, PERCY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Blunt, Percy) in the sum of $620.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 16-88

WENDIE HOSBACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendie Hosbach in the sum of $525.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 17-88

JOHN R. TROCHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Troche in the sum of $500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 4, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 18-88

THE CITY TOW (CHRISTY, CALVIN B.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Christy, Calvin B.) in the sum of $450.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 19-88

THE CITY TOW (SAFFIRE, ERIC)

RESOLVED, that the recommendation of the City Attorney for settlement of The City Tow (Saffire, Eric) in the sum of $390.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 20-88

CITY TOW (SAGRILLO, SHARON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sagrillo, Sharon) in the sum of $340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 21-88

DAVID DEWILDE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Dewilde in the sum of $340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 22-88

CAROL KLEIMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Kleiman in the sum of $322.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 23-88

TSAN C. CHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tsan C. Chen in the sum of $250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 24-88

MICHAEL CHAMBERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Chambers in the sum of $250.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 25-88

LONNIE ADAMS

RESOLVED, that the recommendation of the City Attorney for settlement of Lonnie Adams in the sum of $250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 26-88

PETER M. & LAUREN K. COWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter M. & Lauren K. Cowan in the sum of $215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 27-88

THE CITY TOW (HERNANDEZ, WM. F.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Hernandez, Wm. F.) in the sum of $210.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 28-88

JAMES D. FREDRICKSON, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James D. Fredrickson, Jr. in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 29-88

KURT KEPPELLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kurt Keppeller in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 30-88

CITY TOW (PETERS, BERNARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Peters, Bernard) in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 31-88

PIERRE VIGNEAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pierre Vigneau in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 15, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 32-88

THE CITY TOW (BAKER, ROBERT SCOTT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Baker, Robert Scott) in the sum of $170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 33-88

THE CITY TOW (OROPEZA, RAMON JR.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Oropeza, Ramon Jr.) in the sum of $170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 34-88

THE CITY TOW (DOVICHI, VICTORIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Dovichi, Victoria) in the sum of $170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 35-88

MARIANNA BIESCHKE

RESOLVED, that the judgment made by the City Attorney for settlement of the claim of Marianna Bieschke in Small Claims No. 472-114 in the sum of $166.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 13, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 36-88

BEN REALICA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ben Realica in the sum of $160.00 as a result a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 37-88

THE CITY TOW (ESPINOZA, SONIA F.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Espinoza, Sonia F.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 38-88

THE CITY TOW (ZUNINO, JOHN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Zunino, John) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 39-88

THE CITY TOW (JAMES, HAROLD W.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (James, Harold W.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 40-88

THE CITY TOW (ORELLANA, MAURICIO J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Orellana, Mauricio J.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 41-88

ANTHONY CARRIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Carrie in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 42-88

CITY TOW (BADARACCO, ANTONIO J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Badaracco, Antonio J.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 43-88

THE CITY TOW (HEDRICK, RICHARD D.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Hedrick, Richard D.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 44-88

CITY TOW (LEE, HELEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Lee, Helen) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 45-88

CITY TOW (VALENZUELA, VICTOR H.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Valenzuela, Victor H.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 46-88

GERAGHTY, BRIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Geraghty, Brian in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 47-88

CITY TOW (REYNOLDS, PAULETTA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Reynolds, Pauletta) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 48-88

THE CITY TOW (TRIGUEROS, DARO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Trigueros, Daro) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 49-88

PAUL VICKENS RIDLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Vickens Ridley in the sum of $145.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 50-88

BO TING TRADING LTD.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bo Ting Trading Ltd. in the sum of $135.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 51-88

JIM GOODRICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Goodrich in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1987

AYES: Commissioners giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 52-88

FAT J. MAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fat J. Mak in the sum of $125.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 53-88

SUZANNE COSHOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Coshow in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 54-88

MONEY, ROBERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Money, Robert in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 55-88

DANA J. SILKENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dana J. Silkensen in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 56-88

THE CITY TOW (HESKETH, JULIAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Hesketh, Julian) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 57-88

MARJORIE PAUL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marjorie Paul in the sum of $120.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 58-88

CITY TOW (OLDER, ROBERT L.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Older, Robert L.) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 59-88

CITY TOW (ANDERSON, Wm. FREDERICK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Anderson, Wm. Frederick) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 60-88

RICKIE KNOCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rickie Knoch in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 61-88

CITY TOW (COHEN, MICHAEL S.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Cohen, Michael S.) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 62-88

THE CITY TOW (HUU, TRAIN DAI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Huu, Train, Dai) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 63-88

LIZA MARIE MURAWSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Liza Marie Murawski in the sum of $115.00 as a result of a damages sustained, be, and the same is hereby approved.

Date of Incident: August 17, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 64-88

RAY CLAYTON CAUDILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Clayton Caudill in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 65-88

ROBERT N. KAHN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert N. Kahn in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 66-88

ERIC W. HOLT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric W. Holt in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 67-88

ERIC HOLT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric Holt in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 68-88

ZUHAIR HATTAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zuhair Hattar in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 69-88

DONALD RENEAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Reneau in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 70-88

DEAN LAING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dean Laing in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 71-88

JANACE BRUCKLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janace Bruckler in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 72-88

PATRICIA MERCHANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Merchant in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 73-88

THOMAS MORGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Morgan in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 74-88

MARK SCHROEDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Schroeder in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 75-88

MELINDA MARGOLIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melinda Margolis in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 76-88

SHANNON KIES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shannon Kies in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 77-88

VALERIE MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Miller in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 78-88

ALFRED C. CAVAGNARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfred C. Cavagnaro in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 79-88

KELLY, FLORENCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kelly, Florence in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 80-88

ENGLISH, JAMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of English, James in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 81-88

CITY TOW (RIEL, YONA C.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Riel, Yona C.) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 82-88

CITY TOW (HINOJO, ROBERTO H. JR.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City tow (Hinojo, Roberto H. Jr.) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 83-88

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 84-88

RICHARD OLNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Olney in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 85-88

CHRISTIE K. PAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christie K. Pak in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 86-88

HOWARD K. FISK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard K. Fisk in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1987

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Commisioner Giraudo said the Police Commission met in Closed Session today in an Attorney-Client Conference and no vote was taken.

Commissioner Sanchez: "Through the Chair I would like to share with the Commission and the Chief the fact that I was notified the last few days in reference to our CASARC UNIT which is the Child and Adolescent Sexual Abuse Resource Center at SF General which is sort of used as the Flag Ship of this unit because it is fully cooperating and is partially part of our police department unit that responds to our medical nursing and social service team on a twenty-four (24) hour basis. But evidently there is projected significant cuts and elimination of 40 nursing hours which would mean elimination of 11:00 p.m. to 9:00 a.m. service seven (7) days a week and also the elimination of Saturdays and Sundays the six to midnight shift. These are key areas when in fact children are discovered and brought forth by our police department in conjunction with the special services that has been operational now. It has taken the Department and the Health Department a number of years to institutionalize this. This really would dismantle the whole protective service on a 24 hour basis. And so I am hoping that perhaps the Commission might consider submitting a letter to the Health Commission with the Chief and the Director and perhaps sending a copy to the Mayor and the Mayor Elect asking them to please review this priority which has been very effective in combatting and providing a multitude of service for children on a 24 hour basis. And as the Department knows that we have multi-lingual staff, we have specially trained police officers and nursing and social workers and medical staff who are on call and are utilized 24 hours a day 7 days a week. To dismantle the night function and weekend function of this special program would really be cutting into a population at risk that last year I think we had over 650 cases of reported child abuse through the center and their projections could even be greater this coming year. So, we really need to maintain the type of service. So, I would ask the Commission if in fact we could have the Lieutenant draft a letter to the Health Commission and to the Mayor along with the Chief pertaining to our concerns over projected cutbacks in this critical service which is a collaborative model between the Police, Health and Social Service Agencies. Thank you. I would make that a motion.

Commissioner Owens: "Second."

Commissioner Giraudo: "All those in favor?" Unanimous ayes.

Commissioner Giraudo: "Lieutenant, would you draft such a letter please for signature by all three Commissioners?"

Lt. Frazier: "Yes, sir."

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said first he would like to thank them (the Commissioners) for their participation in the dedication ceremonies at Northern Police Station which took place on January 5, 1988, yesterday, and the ribbon cutting ceremony also yesterday but, the actual opening of the station will probably be around the first week in February. He said the attendance was excellent and the broad section of the community and numerous officers who were there will feel very pleased with the configuration of the station and the changes that will be made which certainly will boost the morale factor in that it shows what San Francisco feels about there police officers.

He said the second item he had is the "Don't Block the Box Program" which was re-implemented the first day of the New Year and so far there hasn't been too much activity. He said the word is out that it now cost $50.00 per citation rather than $16.00 and is progressively going up. He said if you get a second one, it goes to about $150.00, and a third to $250.00, so, right now sixteen (16) of the intersections that have been earmarked are very clear but this weekend should allow for a much better evaluation. He said the third part of his report is about the truck yellow zones in the downtown corridor. He said there are still violations being committed by persons with commercial license plates on passenger vehicles using these zones. He said some of the problems truckers are complaining about are 40 dollar citations they receive when they must double park when a truck zone is taken by a passenger vehicle. The passenger vehicles, he said, only receive a 20 dollar citation for that violation. He said the Department is now not only issuing a 20 dollar citation but the vehicles are being towed also. He said the Department is trying to high profile this so that everyone knows exactly what is being done in order to fine a mix and a balance between the people who want to shop and work in the downtown area as well as truckers who bring in the goods to the neighborhoods.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

O.C.C. Director, Michael Langer said as the Commission knows the OCC is experiencing a rather significantly large numbers of cases. The OCC case load has exceeded 1,500 for the year of 1987 and the unit is conducting investigations with, a relatively small number of people, seven investigators to be exact. He said there are several personal issues that he inherited when he took over as Director and he wanted the Commission to be aware of the fact that the OCC is spending a significant amount of time addressing the Personnel issues detracting from their ability to devote their entire effort to investigation of complaints against police personnel. He said at the present time, some OCC Personnel have about two or three law suits and Equal Employment Opportunity (EEO) Complaints filed and there are other issues pending and the time that the investigators are spending answering questions at the City Attorney's Office is taking away time from investigations and is impacting on the OCC's ability to investigate the complaints.

He said the second issue is that they will be bringing forth to the Commission several new procedures that he would like to institute in the upcoming months. He said one of them is a refined and much more sophisticated investigative model and one of the most significant parts of it is the case tracking process. He said in addition, because of budget contraints, they will be bringing forward a proposal for pro-bono hearings which will increase the OCC's capacity to be able to hold hearings at the OCC. Mr. Dan Silva then pointed out another situation as far as personnel problems and cited the current investigation being conducted by the District Attorney's Office and Management Control. He said this investigation has gone on for five months now and has held up perosnnel movements in the OCC.

Commissioner Giraudo said that he agreed that this is an extraordinary length of time and if results are not here in two weeks contact the Commission who will get in touch with Mr. Arlo Smith, the District Attorney, and inquire as to why there is such a delay for results.

Mr. Langer then spoke on the budget and said he would be coming forth with a recommendation that will just about double the OCC's budget.

Commissioner Giraudo said he would like for it to come through in a timely fashion so that the Commission could review it and either defend it or pick it apart or whatever because he would not want to be in a position of having something submitted that the Commission is not totally familiar with and that it feels it cannot support.

RESOLUTION NO. 1-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER RICHARD V. MANNING, SPECIAL OPERATIONS DIVISION, TRAFFIC COMPANY

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Richard V. Manning, Special Operations Division, Traffic Company, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Richard V. Manning, Special Operations Division, Traffic Company, is scheduled for Thursday, January 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 2-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Rowland Wing, Park Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, is scheduled for Thursday, January 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 3-88

RESETTING OF DATE FOR HEARING OF PROBATIONARY POLICE OFFICER JAMES LEWIS, POTRERO STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Probationary Police Officer James Lewis, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Probationary Police Officer James Lewis be reset for March 3, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Probationary Police Officer James Lewis is reset for Thursday, March 3, 1988 at 5:30 p.m. in Room 551, Hall of Justict.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

STATUS REPORT ON PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

Mr. Michael Gash, Attorney for the Department said that this matter was requested to be placed on the calendar because back on October 8 at a Police Commission Hearing a suspension was imposed upon Patrol Special Officer Robles. He then read the Commission's findings and orders regarding this suspension. He said Officer Robles to this date has not complied with the orders of the Commission's suspension.

Commissioner Sanchez then had Lt. Frazier read excerpts from a letter that was sent to Patrol Special Officer Robles and his attorney Mr. John Prentice as a point of clarification regarding the details of the Commission's suspension imposed upon Patrol Special Officer Robles.

Chief of Police Frank Jordan then advised the Commissioners that Officer Robles had not, to his knowledge, complied with any of the directives of the Commission.

Patrol Special Officer Albert Robles appearing in his own behalf without the representation of an Attorney said that he had turned the actual management of his beat over to Patrol Special Officer John Candido and as to the funds of the beat and as to the notification to his clients he said, his beat is actually community property as he is in the middle of a divorce and his wife simply will not cooperate. He said she told him this is his problem, he committed the act, and she would not give him the billing addresses of his clients. He said she stated she would not turn over the funds, that they are sent to a P.O. Box in Danville, California. He said he advised her that the beat could be at risk because of this and she told him that is his problem again and she is entitled to half of the proceeds of the beat regardless of what happens to the beat.

Chief Jordan told the Officer that all of this information should have been brought forth at the time he was told to comply.

Officer Robles said all he wanted now was to go back to work as he felt he had been punished enough. He said in order to have complied with the Commission's Order he would have had to burglarize a home, his ex home in Danville, or he would have to have committed a homicide and he couldn't do that.

Commissioner Sanchez advised Officer Robles that somewhere between then and this point there should have been a formal letter from you to the Chief stating what in fact might be a problem or not a problem because at this point and time the Commission had assumed that he had complied with the suspension and criteria for a suspension which the Commission had rendered as a finding of guilt and that is the concern of the Commission.

Commissioner Giraudo asked Patrol Special John Candido, who Officer Robles had indicated worked Officer Robles' beat while he was on suspension, to give an account of their agreement.

Patrol Special Officer Candido said that the agreement was that he would take any monies that were given to him which by direction of the Chief of Police and the Police Commission, that he would take those monies and place them in a trust fund for Officer Robles' daughter and also from this trust fund enough money to pay for the men who assisted in working the beat. Officer Candido said he first spoke to Mr. Prentice about this who said he would forward to Officer Candido the information on the list of clients. He said he never received no such list. Officer Candido said he wrote an intra-Department Memo to Captain Damon of Central Police Station stating that he would on behalf of Officer Robles conform with the wishes of the Police commission and Chief of Police of this City upon any decision made by Officer Robles' attorney. He said he received no such response.

After further discussion Commissioner Giraudo warned Officer Robles that by Officer Robles non-compliance he is jeopardizing his beat and the beats of all Patrol Special Officers in the City and County of San Francisco. He then ordered him to return next week with all documents relating to his beat and that he advise his wife who is half owner of the beat to be here as well. Commissioner Sanchez made a motion to continue it for one week and it was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 4-88

STATUS REPORT ON PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, the date for the status report on Patrol Special Officer Albert L. Robles, Central Police District, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the matter be continued to January 14, 1988 and that Patrol Special Officer Albert L. Robles be ordered to return on that date; therefore be it

RESOLVED, that the status report on Patrol Special Officer Albert L. Robles, Central Police District, is continued to Thursday, January 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 5-88

AUTOMATED COUNTY WARRANT SYSTEM

WHEREAS, Vehicle Code Section 40508.5 and Penal Code Section 853.7a state that the Board of Supervisors may, by resolution, impose an assessment of $7.00 on any person convicted under Section 853.7 of the Penal Code and 40508 of the Vehicle Code, whether or not a fine is imposed; and

WHEREAS, these funds shall be used exclusively for the development and operation of an automated county warrant system; and

WHEREAS, the yearly cost to operate the warrant computer system is approximately $150,000.00, not including the costs incurred by the Municipal Court; therefore be it

RESOLVED, that the Police Commission recommends that the provisions of Sections 40508.5 and 853.7a be approved by the Board of Supervisors.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 6-88

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE LIMOUSINE PERMIT #40 HELD BY WALTER PHILLIPS

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission revoke Limousine Permit #40 held by Mr. Walter Phillips was called, it having been set for this date; and

WHEREAS, Mr. Phillips did not appear before the Police Commission, and

WHEREAS, based on hearing on the recommendation of the Chief of Police and the findings of the Police Commission regarding revocation of the limousine permit of Walter Phillips based on his failure to comply with Municipal Police Code Section 1080 (proof of insurance coverage), the Commission accepts the Chief's recommendation; therefore be it

RESOLVED, that it is the findings and decision of the Commission to revoke Limousine Permit #40 held by Mr. Walter Phillips.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 7-88

RECOMMENDATION OF THE CHIEF OF POLICE TO DENY TAXICAB MEDALLION PERMITS

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission deny Taxicab Medallion Permits to the following was called, it having been set for this date, and

WHEREAS, none of the applicants listed appeared before the Commission nor were they represented by counsel:

Clarkson, Marc
Tsang, Abies C.
Coffman, Richard O.
Zlotkin, Harry
Neenthumrong, Chumlong

WHEREAS, efforts were made by the Permit Section to locate all the above applicants and messages left at last known addresses have all been without response; therefore be it

RESOLVED, that it is the decision of the Commission to deny taxicab permits to all the above applicants and remove their name from the waiting list based on their failure to provide change of address information as required by the Police Commission policy.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

HEARING OF POLICE OFFICER DARRYL S. PERKINS, TARAVAL STATION

The hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, was called it having been set for this date. Police Officer Darryl S. Perkins was charged with violating the Rules an Procedures as follows:

SPECIFICATION NO. 1

Failure to maintain oneself in fit condition to perform police duties while carrying a firearm off-duty (violation of Rule A-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to submit a First Day Physician's Certificate as ordered (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Darryl S. Perkins appeared in person and represented himself.

An opening statement was made by Mr. Michael Gash for the Prosecution.

Officer Darryl S. Perkins made a plea of guilty to all five specifications.

The Commission accepted the plea of guilty to all counts made by Officer Perkins.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1 he be terminated, to be held in abeyance for three years and any violation during this period would be cause for immediate termination. He is also to enroll in the Alcohol Stress Unit program. For Specification No. 2, he is to serve ninety (90) days suspension. For Specification No. 3, he is to receive a written reprimand to be entered in his personnel folder. For Specification No. 4, he is to serve fifteen (15) days suspension to be served concurrently with the ninety days suspension, and for Specification No. 5, he is to receive thirty (30) days suspension to be served concurrently with the ninety days suspension. He is to receive credit for the 51 days suspension already served.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 8-88

DECISION - HEARING OF POLICE OFFICER DARRYL S. PERKINS, TARAVAL STATION

WHEREAS, on November 5, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Darryl S. Perkins as follows:

SPECIFICATION NO. 1

Failure to maintain oneself in fit condition to perform police duties while carrying a firearm off-duty (violation of Rule A-3 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Darryl S. Perkins, Star No. 2179 (hereinafter referred to as "the accused") was and is a Police Officer employed by the San Francisco Police Department, currently assigned to the Golden Gate Division - Taraval Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about September 29, 1987, at approximately 2045 hours, the accused went to a neighbor's residence and demanded to see his wife, who was visiting there. The accused threatened the neighbor when his wife did not come out of the residence;

(4) On or about September 29, 1987 at approximately 2100 hours, Sergeant Daniel Curiel, Star No. 528, and Sergeant Anthony J. Fotinas, Star No. 1136, responded to the accused's residence regarding a domestic dispute;

(5) Upon their arrival at the accused's residence, the sergeants met with the accused. The accused was observed to have an alcoholic breath, his speech was thick and slurred, his eyes were bloodshot, he was unsteady on his feet, and appeared intoxicated. The accused was also loud, boisterous and agitated when the sergeants arrived;

(6) The accused was ordered to remain outside while Sergeants Curiel and Fotinas interviewed the parties involved in the dispute. After conducting the interviews, Sergeant Fotinas returned to speak with the accused, who was still outside and now drinking a can of beer. Sergeant Fotinas observed a bulge in the rear waistline of the accused, asked the accused if he was armed and received no reply. Sergeant Fotinas then removed a loaded service revolver from the accused's waistband;

(7) The accused was subsequently transported to Mission Station where he submitted to a urine test at approximately 2330 hours. The urine test result was .10% by weight of alcohol in his blood at the time the test was administered;

(8) The accused, by being intoxicated while carying his firearm, while off-duty, has engaged in conduct which constitutes a violation of Rule A-3 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(9) The allegations contained in Specification No. 1, paragraphs (1) through (8) are incorporated by reference as if fully set forth herein;

(10) Upon Sergeant Fotinas' removing the firearm from the accused's waistband, the accused stated that it did not matter because he could easily get another weapon. When Sergeant Fotinas advised the accused that he intended to seize his second weapon also, the accused threw the beer can he was drinking from to the ground, began yelling and waiving his arms, used profanity and demanded to be taken to jail. The accused was then transported to Mission Station;

(11) Once at the station, the accused was allowed to walk freely; however, he began to disrupt the activities of the business office and was ordered by Sergeant Curiel to sit alone in the Sergeant's Office. A few minutes later, the accused left the Sergeant's Office and entered the Platoon Commander's Office and demanded to be arrested or released, pursuant to Section 849b of the Penal Code. The accused was informed that Captain Walter Cullop, the Night Captain and members of the Management Control Division were responding to Mission Station to talk with him and he was advised to return to the Sergeant's Office until they arrived. The accused continued demanding that he be arrested and refused to go sit in the Sergeant's Office. The accused was then ordered three times by Sergeant Fotinas to go into the Sergeant's Office and on each occasion he refused. The accused then walked away from the Sergeant and headed toward the rear door of Mission Station where he was stopped by Sergeants Fotinas and Curiel near the soda machine. The accused was again ordered to go to the Sergeant's Office and he responded that he wanted a soda. The accused was again ordered to go to the Sergeant's Office. The accused did not comply with this order and began to put coins into the soda machine and yelled that he wanted a soda. The accused was ordered to refrain from putting coins into the soda machine and again ordered to go to the Sergeant's Office. The accused then began waving his arms wildly and yelling and backed Sergeant Fotinas into a corner. At that time, Sergeant Fotinas used a passive restraint on the accused and with the assistance of Sergeant Curiel and several other officers, was able to physically control the accused. The accused was then escorted to the Sergeant's Office;

(12) The accused by yelling, using profanity and demanding to be taken to jail after having his firearm taken away from him while he was off-duty and by his disrupting the Business Office of Mission Station and failing to stay in the Sergeant's Office after being ordered to do so, and by causing members of the department to physically restrain him, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(13) The allegations contained in Specification No. 1, paragraphs (1) through (8) and Specification No. 2, paragraphs (9) through (12) are incorporated by reference as if fully set forth herein;

(14) On or about June 3, 1986, the accused received a ten (10) day suspension for continuing to refuse to obey the Rules and Procedures of the San Francisco Police Department;

(15) The accused failed to appear at the Police Range during August 1986, as required by Department Special Order No. 86-42;

(16) On or about December 8, 1986, the accused was given a Written Reprimand by Chief Frank M. Jordan, for failing to appear at the Police Range during the month of August 1986;

(17) On or about March 17, 1987, the accused was suspended for one (1) day by Chief Frank M. Jordan, for a second failure to appear at the Police Range within one year;

(18) The accused was required to appear at the Police Range during the month of April 1987, pursuant to Department Special Order 86-42;

(19) The accused failed to appear at the Police Range during the month of April 1987, which is the accused's third failure to appear at the Police Range within the last year;

(20) The accused signed up to appear at the Police Range in August 1987, however, the accused failed to appear at the Police Range during the month of August 1987, which is his fourth failure to appear at the Police Range within the last year;

(21) On or about September 7, 1987, the accused was ordered to respond to the Hall of Justice at approximately 0315 hours on September 8, 1987, to pick up several members of Mission Station. The accused failed to respond to the Hall of Justice to complete this assignment;

(22) On or about Septemher 8, 1987, at approximately 0345 hours, the accused was ordered by Sergeant Edgar Callejas, Star No. 219, to type a memorandum stating why he did not respond to the Hall of Justice to pick up the officers. The accused yelled at Sergeant Callejas and used profanity toward the sergeant and refused to type the memorandum as ordered;

(36) On or about November 15, 1987, at approximately 0230 hours, Officer Mark Shea, Star No. 2092, responded to the area of Shotwell and Army Streets regarding a report of a domestic dispute. Officer John Mulkern, Star No. 1482 and Officer Juan Gomez, Star No. 998, also responded to that location to back-up Officer Shea. Upon arriving in the area of Shotwell and Army Streets, Officer Shea located the accused and his wife and informed the accused that there had been a request for police assistance and that he was there to make sure there would be no further problems. The accused responded that he did not need the police and that he was not finished talking with his wife. The accused also told the responding officer that he should stay out of it and that the officers would have to fight him if they wanted to stop him;

(37) On or about November 15, 1987, at approximately 0245 hours, Officer Michael Rivera, Star No. 2090 and Officer Patrick Tobin, Star No. 938, were passing the area of Army and Shotwell Streets and observed the accused yelling at the responding officers. Officer Rivera approached the accused, pulled him away from the group and attempted to calm down the accused;

(38) On or about November 15, 1987, at approximately 0300 hours, Sergeant Daniel Curiel, Star No. 528, responded to Army and Shotwell Streets. Sergeant Curiel approached Officer Rivera and the accused to determine the problem. As Sergeant Curiel approached, the accused became upset and Officer Rivera suggested that he be allowed to speak to the accused alone. Sergeant Curiel then went to talk with the five (5) officers who had responded to the call to find out what had happened;

(39) After finding out the nature of the incident, Sergeant Curiel returned to the accused and Officer Rivera to determine the accused's sobriety and to determine whether the accused was carrying an off-duty weapon;

(40) Sergeant Curiel informed the accused that he intended to check him to determine if he was carrying an off-duty weapon. The accused became abusive toward Sergeant Curiel and began yelling and pushing toward him, however Officer Rivera was standing between the accused and Sergeant Curiel. The accused then stood back, raised his fists, got into a fighting stance, challenged Sergeant Curiel to a fight, and moved toward the Sergeant. At this time the accused had to be restrained by the six (6) police officers who were present and he was handcuffed and arrested for violating California Penal Code Section 647f. The accused resisted the attempt by six (6) officers to handcuff him and he attempted to prevent the officers from placing him in a patrol wagon, resulting in the officers having to physically pick the accused up and place him in the wagon;

(23) The accused was subpoenaed to appear in Court on or about October 23, 1987 at 0900 hours, regarding a criminal matter. The accused failed to appear in Court as required on October 23, 1987;

(24) The accused, by failing to comply with the Department Special Orders regarding appearing at the Police Range during the month assigned, by failing to respond to an assignment, by being insubordinate to a superior officer on or about September 8, 1987, and by failing to appear in Court on October 23, 1987, has shown a disregard for following the Orders, Rules and Procedures of the San Francisco Police Department, which constitute violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 4

Failure to submit a First Day Physician's Certificate as ordered (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department).

(25) The allegations contained in Specification No. 1, paragraphs (1) through (8), Specification No. 2, paragraphs (9) through (12), and Specification No. 3, paragraphs (13) through (24), are incorporated by reference as if fully set forth herein;

(26) On or about December 2, 1986, the accused was ordered in writing by Chief Frank M. Jordan, pursuant to Civil Service Rule 22.02, to submit a First Day Physician's Certificate upon the first day the accused returns to duty after requesting to be carried on sick leave;

(27) From about April 1, 1987 through about April 8, 1987, the accused did not report for duty and requested that he be carried on sick leave;

(28) The accused returned to duty on or about April 9, 1987, and failed to submit a First Day Physician's Certificate as ordered by Chief Frank Jordan;

(29) The accused was requested by his Platoon Commander and on a second occasion, by Sergeant Larry Barsetti, Star No. 175, to submit a First Day Physician's Certificate, as ordered by Chief Jordan;

(30) The accused failed to submit a First Day Physician's Certificate as required, and ignored requests from his Platoon Commander and Sergeant Barsetti to submit a certificate;

(31) The accused, by failing to comply with the Order of Chief Frank M. Jordan to submit a First Day Physician's Certificate upon his return to duty from sick leave, has engaged in conduct which constitutes a violation of Rule A-10 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall obey all written orders of the Department applicable to their respective assignments."

WHEREAS, on November 15, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served additional charges against Police Officer Darryl S. Perkins as follows:

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(32) At all times herein mentioned, Darryl S. Perkins, Star No. 2179 (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department. The accused is assigned to the Golden Gate Division, Taraval Station. However, on November 16, 1987, the accused was suspended;

(33) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(34) The allegations contained in Specification No. 1, paragraphs (1) through (8), Specification No. 2, paragraphs (9) through (12), Specification No. 3, paragraphs (13) through (24), and Specification No. 4, paragraphs (25) through (31), are incorporated by reference as if fully set forth herein;

(35) On or about November 15, 1987, at approximately 0230 hours, Communications received a telephone call from a security guard requesting police assistance to abate a domestic dispute involving an off-duty police officer and his wife, in the area of Army and Shotwell Streets;

(41) The accused, by getting involved in a domestic dispute which resulted in the police being called, by being argumentative with the responding units, by challenging a Sergeant of Police to fight, by having to be physically restrained by six (6) police officers and attempting to prevent the officers from placing him in a police wagon, and by being arrested, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 6, 1988, and on Wednesday, January 6, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 through 5 as preferred by the Chief of Police against Police Officer Darryl S. Perkins are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1	[penalty] Termination to be held in abeyance for three years and he is to join the San Francisco Police Dept. General Order D-4 Program
Specification No. 2	[penalty] 90 calendar days suspension
Specification No. 3	[penalty] Written reprimand to be entered into personnel folder

Specification No. 4 [penalty]
15 days suspension to be served concurrently with the 90 days

Specification No. 5 [penalty]
30 days suspension to be served concurrently with the 90 days

and be it further

RESOLVED, that Officer Perkins is to receive credit for the time served under suspension pending his hearing (51 calendar days) commencing at 1200 hours on Monday, November 16, 1987 and ending at 2400 hours on Saturday, February 13, 1988 for a total of ninety (90) calendar days. If any violation occurs during the three year period, termination will automatically be imposed.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

Recess taken during the hearing of Officer Perkins:

7:20 p.m. to 7:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE THE TAXICAB PERMIT HELD BY JAMES BENJAMIN GILLESPIE

Continued in one week.

RECOMMENDATION OF THE CHIEF OF POLICE TO DENY TAXICAB MEDALLION PERMIT TO JAMES RICHARD GILLESPIE

Lt. Greg Winters of the Permit Section said he was representing the Department in the above two items and that he would attempt to prove fraud by Richard B. Gellaspie. Mr. Steven Diaz, attorney for the Gillaspies said he would make an offer of proof that no fraud had been perpetrated and he then proceeded to present facts to substantiate his position.

The Commission after listening to both parties presentation discovered they had not read briefs submitted by the attorneys that were pertinent to the issues is these cases. Commissioner Giraudo said because of this the Commission should hear it next week and continue the other taxicab matters scheduled at that time to the following week of the 21st of January. Commissioner Sanchez said he make the motion, it was seconded by Commissioner Owens and unanimously approved.

The meeting was thereafter adjourned.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

JANUARY 14, 1988 = Minutes CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Thursday, January 14, 1988 at 4:30 p.m. in Closed Session.

Commissioner Giraudo presiding.

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1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

JANUARY 14, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 14, 1988 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

REQUEST FROM THE CITY ATORNEY TO AUTHORIZE CHIEF OF POLICE TO GRANT SETTLEMENT AUTHORITY IN SPECIFIED CASES (CONTINUED FROM MEETING OF DECEMBER 17, 1987)

Deputy City Attorney Kim Reiley appeared before the Commission and said that there were provisions in the State and Federal Laws that permit litigants to make an offer to settle a case at any point which will then stop cost, and in civil rights cases, attorneys fees from accruing. She said one of her concerns in the City Attorney's Office is that they have not been getting on these cases early enough. She said what her request is is that the Commission delegate authority of from $5,000 and below to the Chief of Police or his designee so that the City Attorney can expedite such cases. She said this is basically a litigation tactic and what the benefit would be is that the City Attorney's Office would be able to move, making the appropriate offer more swiftly. Commissioner Nelder said he would move approval, Commissioner Sanchez seconded, and it was unanimously approved.

RESOLUTION NO. 169-88

WHEREAS, the request from the City Attorney to authorize the Chief of Police to grant settlement authority in specified cases was called it having been continued from the meeting of December 17, 1987; and

WHEREAS, it was suggested by the City Attorney that the most efficient method of obtaining authority to make binding offers of $5,000 or less in litigation would be to make such offers under the provisions of CCP Section 998 and F.R.C.P. 68, and

WHEREAS, Deputy City Attorney Kimberly A. Reiley appeared before the Commission and explained the particular economical advantages illustrating that such offers places pressure on the plaintiff to settle the cases promptly thereby saving time and money; therefore be it

RESOLVED, that the Police Commission hereby approves and adopts as its Policy the suggestion of the City Attorney to delegate CCP 998 or F.R.C.P. 68 offers under $5,000 to Chief of Police Frank M. Jordan.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 24, 1987

Minutes of Meeting of September 24, 1987, were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 88-88

LOUETTE COLOMBANO vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Louette Colombano in the amount of $275,000.00 entitled "Louette Colombano vs. City and County of San Francisco, et al" in Superior Court No. 838-649 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1984

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 87-88

D. STANLEY ROWLAND AND SUSAN ROWLAND vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of D. Stanley Rowland and Susan Rowland in the sum of $60,000.00 entitled "D. Stanley Rowland and Susan Rowland vs. City and County of San Francisco, et al" in Superior Court No. 808-525 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 23, 1982

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 89-88

GARY SWITZER vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Gary Switzer in the amount of $15,000.00 entitled "Gary Switzer vs. City and County of San Francisco, et al" in Superior Court No. 809-248 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 18, 1982

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 90-88

RAYMOND TAYLOR vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Raymond Taylor in the sum of $5,000.00 entitled "Raymond Taylor vs. CCSF, et al" in U.S. District Court No. C86-3839JPV as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 1, 1985

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 91-88

FARMERS INSURANCE (INS: SPECK, CORY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Ins. (Ins: Speck, Cory) in the sum of $4,999.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 16, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 92-88

FUMAR vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Allan R. Fumar in the sum of $4,500.00 entitled "Allan R. Fumar vs. CCSF, et al" in Municipal Court No. 929-167 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 3, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 93-88

CLAUDIA McGREW vs. CCSF

RESOLVED, that the judgment made by the City Attorney for the litigation of Claudia McGrew in the amount of $4,076.30 entitled "Claudia McGrew vs. CCSF" in Superior Court No. 832-918 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 17, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 94-88

C.S.A.A. (ROSENBERG, RICHARD & BARBARA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of C.S.A.A. (Rosenberg, Richard & Barbara) in the sum of $2,935.02 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 9, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 95-88

CARL GOODMAN vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Carl Goodman in the sum of $2,400.00 entitled "Carl Goodman vs. CCSF, et al" in Superior Court No. 803-918 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 15, 1982

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 96-88

NATIONWIDE MUTUAL FIRE INSURANCE vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for the settlement of the litigation of Nationwide Mutual Fire Insurance in the sum of $2,105.00 entitled "Nationwide Mutual Fire Insurance vs. CCSF, et al" in Municipal Court No. 896-210 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 17, 1984

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 97-88

THOMAS ROMANECK vs. CCSF, et al

RESOLVED, that the judgment made by the City Attorney for the litigation of Thomas Romaneck vs. CCSF, et al in Small Claims No. 472-064 in the amount of $1,506.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 98-88

JACK BAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack Baker in the sum of $1,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 16, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 99-88

JOHN A. MEDEL vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of John A. Medel in the sum of $1,500.00 entitled "John A. Medel vs. CCSF, et al" in Superior Court No. 871-915 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 27, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 100-88

NESTOR SALO vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Nestor Salo in the sum of $750.00 entitled "Nestor Salo vs. CCSF" in Superior Court No. 865-227 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 1, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 101-88

ATLANTIC MUTUAL INSURANCE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim Atlantic Mutual Insurance Co. in the sum of $227.56 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 22, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 102-88

THE CITY TOW (KING, BRIAN M.)

RESOLVED, that the recommendation of the City Attorney for settlement of The City Tow (King, Brian M.) in the sum of $205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 103-88

THE CITY TOW (KENNY, THOMAS B.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Kenny, Thomas B.) in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 104-88

THE CITY TOW (LEE, AUDRY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Lee, Audry) in the sum of $170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 105-88

THE CITY TOW (MAEZ, NINA M.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Maez, Nina M.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 106-88

THE CITY TOW (MONEY, ROBERT T.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Money, Robert T.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 107-88

THE CITY TOW (JURI, JEFF)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Juri, Jeff) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 108-88

THE CITY TOW (HELMICK, JEAN & JOSEPH, MAGRI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Helmick, Jean & Joseph, Magri) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 109-88

THE CITY TOW (BAKER, EMMITT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Baker, Emmitt) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 110-88

THE CITY TOW (BREMER, MATTHEW C.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Bremer, Matthew C.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 111-88

THE CITY TOW (DOLLARHIDE, GLENN A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Dollarhide, Glenn A.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 112-88

THE CITY TOW (LI, KOUANY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Li, Kouany) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 113-88

THE CITY TOW (MACRAE, RON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Macrae, Ron) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 114-88

THE CITY TOW (ISRAEL, RANDY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Israel, Randy) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 115-88

WALTERS, LEIGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walters, Leigh in the sum o $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 116-88

NEWMAN, ROBERT A.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Newman, Robert A. in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 117-88

CONNAITRE CHATEAUBRIANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Connaitre Chateaubriant in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 118-88

JOHN R. BIRD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Bird in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 119-88

DESMOND D. PETER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Desmond D. Peter in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 119-88

KENT STREVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kent Strever in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 120-88

KIMBERLY AYERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimberly Ayers in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 121-88

MICHAEL SONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Song in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 123-88

JOANNA GARDNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanna Gardner in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 124-88

THE CITY TOW (DETORIE, DANIEL)

RESOLVED, that the recommendaton of the City Attorney for settlement of the claim of The City Tow (Detorie, Daniel) in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 125-88

THE CITY TOW (GAINES, GEORGE D.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Gaines, George D.) in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 125-88

STANLEY G. GROSSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley G. Grosse in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 126-88

JANET DREWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janet Drewis in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 127-88

CAROL COSTELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Costello in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 128-88

TAK KANEHIRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tak Kanehira in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 129-88

GARY LUND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Lund in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 130-88

JANTY WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janty Wong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 131-88

ANDREW M. SPINGLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew M. Spingler in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 132-88

KIM MEYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kim Meyer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 133-88

FRANK RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Rodriguez in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 134-88

ANNE CAPERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne Capers in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 135-88

TOM STEINMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom Steinman in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 136-88

LAURA J. MITCHELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura J. Mitchell in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 137-88

MANFRED KELLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Manfred Kelle in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 138-88

CHERRY TSE-YUAN HU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cherry Tse-Yuan Hu in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 139-88

JANET JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janet Jackson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 140-88

MARY J. McGUIRE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary J. McGuire in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 141-88

JOHN TRUCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Truck in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 142-88

KATHRYN E. OLSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathryn E. Olson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 143-88

MARIA A. QUIROGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria A. Quiroga in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 144-88

THOMAS W. TRENT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas W. Trent in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 145-88

STEPHEN M. TILSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen M. Tilson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 146-88

JAMES R. EINOLF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Einolf in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 147-88

CITY TOW (ROBLES, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robles, Richard) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 148-88

BELLA, KATHERINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bella, Katherine in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 149-88

THOMAS W. DAVIS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas W. Davis, Jr. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 150-88

STEVEN CHENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Cheng in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 151-88

LEE, DEBORAH L.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee, Deborah L. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 152-88

JOHANSEN, ARTHUR N.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johansen, Arthur N. in the sum of $80.00 as result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Owens

RESOLUTION NO. 153-88

LUI WEI-GUO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lui Wei-Guo in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 154-88

BONDELIE, PAMELA ANNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bondelie, Pamela Anne in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 155-88

DARDEN, JAMES P.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darden, James P. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 156-88

KEITH SHERMAN PALMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith Sherman Palmer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 157-88

DAVID LAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Lai in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 158-88

HOWARD H. HIDESHIMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard H. Hideshima in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 159-88

BRIAN ANDREW KERINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian Andrew Kerins in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 160-88

DIANE HONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Hong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 161-88

JERRY CZEMBER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerry Czember in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 162-88

MARIE DIAZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marie Diaz in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 163-88

WORTHAM, DONALD & MARGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wortham, Donald & Margo in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 164-88

CARY SCOTT BECK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cary Scott Beck in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session this afternoon on Personnel matters and litigation matters by the City Attorney and no vote was taken.

(a) PUBLIC COMMENTS

No public comments at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan gave an update to the Commission regarding the buses and campers out around the Panhandle in Golden Gate Park. He said the Department is cooperating with the Mayor's Office and is looking at a city-wide issue and is trying to do something to not displace them but keep them from going from the Park to the Marina or out to the Great Highway. He said he believes that they will come up with some sort of long term solution in the next few days, and he will continue to report back on the issue to the Commission.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer presented two items, one a report concerning the number of cases the OCC presently has open. He said there are 539 cases and out of the 539, 15 are from 1986, and the remaining are from 1987. He said in January of 1988, they began a new case tracking system. He said the purpose of this new system will increase efficiency with respect to the type of processing so that the OCC can significantly reduce this number in the future. He said the second document he gave the Commission tonight is a draft of the proposed OCC Budget. They are seeking two additional senior investigators and three additional investigators for a total of five new personnel. He said with the new tracking system and the additional personnel, he believes the OCC will be able to address its problems and do what it is supposed to be doing investigating complaints in a timely manner.

Mr. John Crew, ACLU, said that once again this really spells out the great barriers to OCC's success as everyone is aware of the budget crunch right now and so it will be hard to come by any sort of additional allocation; but, he said, it is crucial for this agency's success. He said he just wanted to strongly encourage the Commission to do everything within its power to get this agency the resources it is going to need.

Commissioner Giraudo said he felt it would be important that the OCC Budget request also be inclusive of an explanation of the need and why and reference be made to the Budget Analyst Report done earlier last year prior to Mr. Langer's arrival. He said the Mayor should also get a copy of that so he can make policy decisions rather than just arithmetic decisions.

RESOLUTION NO. 166-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER RICHARD V. MANNING, SPECIAL OPERATIONS DIVISION, TRAFFIC COMPANY

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Richard V. Manning, Special Operations Division, Traffic Company, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, and concurred by Mr. Kevin Hughes, Attorney at Law, representing Officer Manning, that the date for the hearing of the disciplinary charges filed against Police Officer Richard V. Manning be set for April 28, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Richard V. Manning, Special Operations Division, Traffic Company, is set for Thursday, April 28, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 167-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing be set for March 31, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, is set for Thursday, March 31, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 168-88

STATUS REPORT ON PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT (CONTINUED FROM JANUARY 6, 1988)

WHEREAS, the date for the status report on Patrol Special Officer Albert L. Robles, Central Police District, was called it having been continued from the meeting of January 6, 1988; and

WHEREAS, PSO Albert Robles presented records of his clients in the area assigned to him and receipts from the time he was supposed to have served his suspension, and

WHEREAS, it was requested by the Police Department Attorney Michael Gash that the matter be continued to January 21, 1988 to allow for time to study the materials presented by PSO Robles for a decision by the Commission; therefore be it

RESOLVED, that the status report on Patrol Special Officer Albert L. Robles, Central Police District, is continued to Thursday, January 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

Mr. Michael Gash, Attorney for the Department, said that the Commission has just been given a list of accounts which he (Gash) received from Patrol Special Robles at approximately 5:00 p.m. tonight. He said he really hasn't had a chance to decipher it or get an idea of what it really means. He said the Department had planned to request that Officer Robles be given the same sentence he was originally given back in October as he had not complied with that sentence that time. But, he said, he would suggest he be given an opportunity to meet with Mr. Robles on Tuesday to discuss what this material really means and then he would be able to come back to the Commission next week and know what they (Gash and Department) are actually talking about in terms of his (Patrol Special Officer Robles) status.

Commissioner Nelder said he certainly felt that this would be agreeable in that there should be time to look over the accounts and at that particular time on Thursday next, he (Gash) can make a recommendation to the Commission.

Patrol Special Robles said in light of the fact that the Commission and Department want to review this, naturally, since he has 18 years service prior to this occurrence, he would like to be given the opportunity to begin working again. He said officially his suspension ended on the 26th of December 1987, and it is costing him a lot of money, and in effect, this is a continuation of his suspension as today is the 14th of January.

Commissioner Nelder said the things that Officer Robles is saying are the things that Mr. Gash wants to discuss after he has an opportunity to review the account report so he expects to meet with Mr. Robles on Tuesday so that it can be reviewed and a recommendation can be made in view of the Police Commnission's action.

Commissioner Nelder then made a motion to continue it for one week, it was seconded by Commissioner Sanchez and unanimously approved for a one week continuance.

Items #12, 13 and 14 are to be carried over to January 21, 1988, as they were inadvertently placed on this week's agenda.

RECOMENDATION OF THE CHIEF THAT THE POLICE COMMISSION DENY THE APPLICATION OF MR. YOSSEDEK DESTA FOR A MOTORIZED RICKSHAW PERMIT

Lieutenant Gregory Winters of the General Office of the San Francisco Police Department said that Mr. Yossedek Desta informed him tonight that he received no notification of this hearing and it would be prejudicial to him to go ahead with it since he has had no time to prepare. He said Mr. Desta has, however, requested a six months continuance to get his operation off the ground which the Department at this point would not oppose but would ask the Commission to rule on his application in six months when it comes back up.

Commissioner Sanchez said he would move for a continuance and Commissioner Nelder seconded. Thereafter, it was unanimously approved for a six months continuance.

RESOLUTION NO. 171-88

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE THE TAXICAB PERMIT HELD BY JAMES BENJAMIN GILLESPIE

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission revoke the Taxicab Permit held by James Benjamin Gillespie was called, it having been continued from the meeting of January 6, 1988; and

WHEREAS, Mr. James B. Gillespie appeared before the Police Commission and was represented by Mr. Steven Diaz, Attorney at Law, and

WHEREAS, Frank M. Jordan, Chief of Police, withdrew his recommendation to revoke the Taxicab Permit held by James B. Gillespie; therefore be it

RESOLVED, that the recommendation of the Chief of Police that the Police Commission revoke the Taxicab Medallion of James Benjamin Gillespie is hereby withdrawn.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 172-88

RECOMMENDATION OF THE CHIEF THAT POLICE COMMISSION DENY TAXICAB MEDALLION PERMIT TO JAMES RICHARD GILLESPIE

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission deny Taxicab Medallion Permit to Mr. James Richard Gillespie was called, it having been continued from the meeting of January 6, 1988; and

WHEREAS, the Police Commission was advised that James R. Gillespie's application to operate a taxicab in the City and County of San Francisco was filed November 4, 1987, and

WHEREAS, pursuant to Charter Appendix F, Section 2e, this application is not among those to be considered during current proceedings and hearings under Public Convenience and Necessity for the issuance of taxicab permits; therefore be it

RESOLVED, that James Richard Gillespie's application filed on November 4, 1987, pursuant to Charter Appendix F, will be considered subsequent to the Police Commission completion of its current hearing on Public Convenience and Necessity.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 173-88

RECOMMENDATION OF THE CHIEF THAT POLICE COMMISSION DENY TAXICAB MEDALLION PERMIT TO JAMES BENJAMIN GILLESPIE

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission deny Taxicab Medallion Permit to Mr. James Benjamin Gillespie was called, it having been continued from the meeting of January 6, 1988; and

WHEREAS, based on evidence presented, it is the findings of the Police Commission that James B. Gillespie is a holder of Taxicab Permit issued in 1974, and pursuant to Charter Appendix F, Section 2b, no more than one permit can be issued to any one person; therefore be it

RESOLVED, that it is the findings and decision of the Commission that the application of Mr. James Benjamin Gillespie for a Taxicab Permit in the City and County of San Francisco filed March 19, 1979 be, and the same is hereby denied.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

The meeting was thereafter adjourned at 7:35 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

W/4070M

=Minutes

JANUARY 28, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, January 28, 1988 at 1700 hours in Closed Session.

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Commissioner Nelder presiding.

1. Attorney-Client Conference

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

JANUARY 28, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, January 28, 1988 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF OCTOBER 8, 1987

Approval of Minutes of Meeting of October 8, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 256-88

DIANE C. LUCAS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Diane C. Lucas in the sum of $15,000.00 entitled "Diane C. Lucas vs. City and County of San Francisco, et al" in U.S. District Court No. C86-0076 TEH as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 10, 1985

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 257-88

AUSTIN JENNINGS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Austin Jennings in the sum of $13,750.00 entitled "Austin Jennings vs. City and County of San Francisco, et al" in Superior Court No. 839-446 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 26, 1984

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 258-88

SUSAN E. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan E. Miller in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 259-88

CITY TOW (MARY MITCHELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mary Mitchell) in the sum of $115.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 260-88

EDUARDO MANZANERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eduardo Manzanero in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 261-88

CHARLES F. ABBOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles F. Abbott in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 262-88

SUSAN M. WERNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan M. Werner in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 263-88

CITY TOW (JAMES TICKNER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (James Tickner) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 264-88

VIOLET CHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Violet Chu in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 265-88

CITY TOW (CAROL ANN BURGOA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Carol Ann Burgoa) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 266-88

CITY TOW (ALFRED CAVAGNARO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Alfred Cavagnaro) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 267-88

ARCHIBALD J. WILSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Archibald J. Wilson in the sum of $95.80 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 17, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 268-88

MIRKO JOZIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mirko Jozic in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 269-88

JANICE THORNTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janice Thornton in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 270-88

NICK D. NICKLAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nick D. Nicklas in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 271-88

JOHN M. MORSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John M. Morse in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 272-88

NANCY A. MORATA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy A. Morata in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 273-88

BENJAMIN WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benjamin Wong in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 274-88

CITY TOW (JAN NELSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Jan Nelson) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 275-88

CITY TOW (CHARLAN NEMETH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Charlan Nemeth) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 15, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 276-88

CITY TOW (WAYNE HOLDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Wayne Holder) in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder in addressing the Chief, advised him that he had read an article in the Examiner Newspaper this date which he said he felt was one of the most shocking examples of studentry he has run across in a long time having been a product of some of the toughest public schools in San Francisco. He said briefly what he read was about MacAteer High School Football program which has a hazing format wherein when someone fouls up on the playing field they play a game call violation. He said in this particular incident the students held one of the players down and an effort was made to penetrate his private area with a broomstick. He said the stick slipped and caused a wound to the students testicles that required fifty (50) stitches to close. He said the Superintendent of Schools just found out about it and plans to hold school administrators to account. But, he said, the one thing missing as far as he was concerned was the involvement of the police. He said his suggestion is that the Chief contact the Superintendent and offer whatever assistance necessary to get to the bottom of this.

Chief Frank Jordan said the Superintendent has already contacted the Police Department and it is being followed up for the very reasons Commissioner Nelder just described.

Commissioners Owens and Sanchez echoed the comments on this matter along the same lines as Commissioner Nelder who, thereafter, advised the Chief that the Commission wanted him to give it top priority with a complete report to the Commission.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had nothing new to add at this time.

Commissioner Owens said that at this time she wanted to announce that at 3:30 p.m. there will be a meeting to follow up the request on what was brought to the Commission last week by Mr. John Crew in relation to General Order D-17 and that meeting will take place tomorrow afternoon in the Police Commission Office.

Commissioner Nelder said he wanted to also state that in accordance with the Brown Act the Police Commission met this afternoon in Closed Session and no vote was taken.

(a) PUBLIC COMMENTS

No public comments requested to be made at this time.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, advised the Commission that the OCC has a pending disciplinary action before the Civil Service Commission on Monday and Mr. Silva checked with Lt. Frazier this afternoon and was informed that the Police Commission still had not received the District Attorney's investigation.

Commissioner Sanchez suggested that Lt. Frazier call the District Attorney and obtain a status report and inform the Commission at its meeting of the results.

RESOLUTION NO. 254-88

AUTHORIZING ACCEPTANCE OF $10.00 GIFT BY MS. MARJORIE JACKSON TO OFFICE CHARLES KEOHANE

RESOLVED, that the Police Commission hereby authorizes Officer Charles Keohane, Tactical Company, to accept a check of $10.00 from Ms. Marjorie Jackson to Officer Keohane for services rendered on December 18, 1988 to be deposited in the Widows and Orphans Fund.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 255-88

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER GLADYS M. GRAY, MISSION STATION

WHEREAS, Police Officer Gladys M. Gray, Mission Station, was suspended without pay on September 14, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Gladys M. Gray has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Gladys M. Gray, Mission Station be placed on Leave of Absence Without Pay at her request for a period of 113 days commencing January 14, 1988 through May 5, 1988, be, and the same is hereby approved.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS

Commissioner Nelder said that at the January 21, 1988 hearing, the Commission found that the current level of taxicab service in the City and County of San Francisco was not adequate to meet public convenience and necessity and that the issuance of new permits was necessary to provide adequate taxicab service in the City and County of San Francisco.

He continued by saying that the Commission hereby incorporates by reference all evidence and testimony submitted at the public convenience and necessity hearing from November 1986 through January 21, 1988 and the evidence and testimony of the individual applicants submitted at the January 21st, 1988 hearing into the record for this hearing. He then called upon Lieutenant Gregory Winters of the Permit Section.

Lieutenant Winters advised the Commission that prior to the entering of the finding as stated by Commissioner Nelder, the Commission had a long standing finding that 761 medallions were necessary to service the public. Two of those 761 have become vacant, he said, and in order to fill those, the first two applicants on the list for tonight would be eligible to receive them if the Commission so votes.

Commissioner Sanchez, after receiving an acknowledgement from the City Attorney that this would be the correct way to proceed, made a motion to proceed with the first two people on the list for those vacant medallions. Commissioner Owens seconded and it was unanimously approved. Two applicants came forth were questioned and gave testimony as follows: Mr. Pharoah McGee and Mr. Richard Lygutis.

Mr. Steve Diaz, in addressing the Commission at this point on, Mr. Lygutis raised his on-going objection regarding National Cab Company as not being radio dispatched saying, therefore, Mr. Lygutis is not eligible to receive a permit. Mr. Diaz then quoted sections from the Chief's Taxicab Rules and pointed out that there are no exemptions.

Lieutenant Winters said the grant of this exemption has been the subject of three Chief's permit hearings and written findings endorsed by the Chief of Police. He said this is a hardship case and the Chief exercised his discretion and allowed the individuals involved, the holder of the color scheme, National Taxicab Company, to install a brand new computerized state of the art radio system.

Commissioner Nelder said to Mr. Diaz that it is noted that he has a running objection and it is duly recorded. He said the matter before the Commission at this time is whether or not this applicant, Mr. Lygutis, intends to use and operate a radio dispatched cab. Mr. Lygutis said it was his intention to do so. Commisisoner Nelder said it is up to the Chief and his staff to enforce it once it is out on the street. The Resolutions were then approved.

RESOLUTION NO. 328-88

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO PHAROAH McGEE

WHEREAS, Pharoah McGee appeared at a Public Convenience and Necessity hearing held on Thursday, January 28, 1988; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, January 28, 1988, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Pharoah McGee appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Pharoah McGee.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 329-88

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO RICHARD LYGUTIS

WHEREAS, Richard Lygutis appeared at a Public Convenience and Necessity hearing held on Thursday, January 28, 1988; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, January 28, 1988, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approxiamtely 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Richard Lygutis appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Richard Lygutis.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Lieutenant Winters then advised the Commission that each applicant for a new medallion should be sworn before they testify and if the Commission, if it pleases the Commission, he would call the role of applicants, have them stand up and be sworn by Lieutenant Frazier.

After all applicants stood and were sworn, they were called as follows:

Anton, Bruie
Wong, Oliver
Wong, Peter

At this point Mr. Yossedek Desta was allowed to submit a running objection to Mr. Peter Wong and another individual as examples to the position that he is taking in that many applicants have not supplied clear and convincing evidence during the regular hearings. He said in reference to Section 2(A) of Proposition K which is a preference clause he is saying that one of those 50 permits should be given to him as having provided the Commission with clear and convincing evidence that Public Convenience and Necessity exist for the issuance of fifty (50) permits. He said what is occurring tonight is just a ritual as many of the applicants did not come out and make the presentations as outlined in the law. He said this is his ongoing objection. Commissioner Nelder advised him it would be noted and the proceedings continued with the following names being called:

Cesana, Robert
Bolig, James
Fardbastani, Ali
Scoble, Edward
Lo, Calvin
Kleiman, Charles
Hall, Al
Burke, Edmund
Yosief, Kiflai
Galicha, Diosdado
Diesso, Thomas
Ng, Cho
Dorn, Guenter
Craig, Robert
Mack, Glen
Parsons, Doug
Shreiner, Frank
Bottorff, Gene
Whipple, George
Evanikoff, Constantine
Natividad, Cornelius
Stanghellini, George
Wong, Warren Sr.
Wong, Warren Jr.
Leung, Michael
Hom, Ying
Dorestant, Rene
Contillo, Rodolfo
Wong, Winston
Wong, Wing

The following names were previously approved on January 21, 1988:

Tong, Chuck
Chin, Wai
Hom, Moon
Lee, Arthur
Small, Lloyd
Wilson, Frances
Chee, Yick

Lieutenant Winters advised the Commission that the next applicant Mr. William D. Welshans has requested that the Commission waive consideration of his application at this time but requests that he be allowed to remain on the list pending a later consideration by this Commission. He said the Department would support Mr. Welshans' request as he has some driver's license problems at the moment that are supposedly resolvable in the near future. He said Mr. Welshans, however, would like to remain on the list for later consideration.

Commissioner Sanchez said he would make a motion to that effect and it was seconded by Commissioner Owens and unanimously approved.

Lieutenant Winters called the next applicant Mr. James Hoffman who was not present and said this is the second week in a row that he has not been here. He said the Department recommends that it be continued for one week and if he is not present at that time that he be passed over once and for all. Lieutenant Winters continued by saying that if it were not for Mr. Hoffman's non appearance he would be certifiable to receive a permit.

Commissioner Sanchez then made a motion to continue the consideration of Mr. Hoffman's application for one week. It was seconded by Commissioner Owens and unanimously approved.

The proceedings then continued and the following names were called:

Stockfleth, Walter
Nguyen, John
Tesfa, Solomon
Arroyo, Carlos
Chan, Paul

In conclusion, Lieutenant Winters said due to a couple of withdrawals and one request for waiver, the number of applicants before the Commission tonight was less than fifty (50). He said his Staff is preparing, and will have ready by next Thursday, the remainder of those applicants at which time they could and should be heard.

Commissioner Owens then said based on the PC&N hearings held by this Commission and Lieutenant Winters' presentation of all applicants this evening and Department compliance by all applicants, she would move that the Commission adopt as tentative Findings that all of the applicants that have appeared before the Commission on January 28th, 1988, are qualified to possess a motor vehicle for hire permit and that based upon the entire record of these proceedings, the Commission finds that clear and convincing evidence demonstrates that the current level of taxicab service in San Francisco is not adequate to meet Public Convenience and Necessity (PC&N), and that it is necessary to issue permits to the applicants who have been brought before the Commission in support of their application to insure that PC&N is properly served. Commissioner Sanchez said he would second that motion and it was unanimously approved.

Thereafter, Commissoner Sanchez said he would make a motion that the Secretary of the Police Commission, in consultation with the City Attorney's Office, prepare written Findings that reflect the Commission's tentative Findings and bring them before the Commission in support of their applications in one week, at which time the Commission will take final action on the issuance of the taxicab permits.

Commissioner Owens said she would second the motion and it was unanimously approved.

Commissioner Sanchez then said that he wanted to thank the City Attorney who was here this evening and all parties who participated this evening for really carrying out a concept which is the basis of a belief in a free society.

HEARING OF POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer, Ingleside Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Alexa A. Raymer appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement made by Mr. James P. Collins for the Defense.

The following witness appeared for the Prosectuion, was sworn and testified:

Mrs. Gloria Sol, 1575 Treat Street
San Francisco, CA 94110

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 — 8x6 Color Photo showing roof of building looking at left side

Exhibit #2 — 8x6 Color Photo looking at roof of building depicting full view of both sides of angled roof

The following exhibit was entered into evidence by the Defense:

Exhibit A — 8x6 Color Photo showing walkway on side of building towards rear

The hearing was then continued to Thursday, February 11, 1988 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:25 p.m. after observing a moment of silence in memory of Gilbert R. Wren who recently passed away.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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Minutes

FEBRUARY 4, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Thursday, February 4, 1988 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

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1. Attorney-Client Conference

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

FEBRUARY 4, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 4, 1988 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

APPROVAL OF MINUTES OF MEETING OF OCTOBER 15, 1987

Minutes of the Meeting of October 15, 1987 were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 332-88

STANLEY ROWLAND AND SUSAN ROWLAND vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Stanley Rowland and Susan Rowland in the sum of $60,000.00 entitled "Stanley Rowland and Susan Rowland vs. City and County of San Francisco, et al" in Superior Court No. 808-525 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: September 23, 1982

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 333-88

JIMMIE LEE THOMPSON and LAVON THOMPSON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jimmie Lee Thompson and Lavon Thompson in the sum of

$15,000.00 entitled "Jimmie Lee Thompson and Lavon Thompson vs. City and County of San Francisco, et al" in U.S. District Court No. C86-1904 TEH as the result of damages sustained, be, and the same is hereby approved.

Dates of Incident: January 9, 1985, January 31, 1986

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 334-88

LAWRENCE THIBODEAUX vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the settlement made by the City Attorney in the sum of $5,000.00 on the litigation of Lawrence Thibodeaux in Superior Court No. 869-612 entitled "Lawrence Thibodeaux vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 7, 1986

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 335-88

ANN PALMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Palmer in the sum of $5,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 336-88

JOE ADHAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joe Adhams in the sum of $2,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 337-88

JOYCE STOLLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Stoller in the sum of $500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 338-88

HARRY ELLIOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Elliot in the sum of $345.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 339-88

TIBOR ALBERTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tibor Alberty in the sum of $180.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 340-88

CITY TOW (COOLEY, CLIFFORD C.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Cooley, Clifford C.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 341-88

CITY TOW (COMER, LORRI LEVY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Comer, Lorri Levy) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 342-88

CITY TOW (McGEE, RONALD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (McGee, Ronald) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Sanchez

RESOLUTION NO. 343-88

CITY TOW (KOTLER, ALLISON IVY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Kotler, Allison, Ivy) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 344-88

CITY TOW (SHUITING, CHRISTINA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Shuiting, Christina) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 345-88

CITY TOW (TARTT, JAMES S.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Tartt, James S.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 346-88

CITY TOW (BLANKFORT, JEFFREY A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Blankfort, Jeffrey A.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of incident: November 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 347-88

THE CITY TOW (FERNANDEZ, HECTOR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Fernandez, Hector) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 348-88

KIRBY THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kirby Thompson in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 349-88

CITY TOW (CARMEN, GWENDOLYN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Carmen, Gwendolyn) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 350-88

CITY TOW (ROSILLO, HECTOR B.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Rosillo, Hector B.) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 351-88

CITY TOW (ALONZO, DONNY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Alonzo, Donny) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 352-88

DEBBY RICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debby Rice in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 353-88

DANIEL H. KOPPEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel H. Koppel in the sum of $110.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 354-88

KERN TOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kern Toy in the sum of $102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 355-88

LILLI MORSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lilli Morse in the sum of $102.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 356-88

JONATHAN M. ROSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan M. Ross in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 357-88

JONES, ESTELLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jones, Estella in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 358-88

HOUGHTON, TOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Houghton, Tom in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 359-88

FORESTIER HERVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Forestier Herve in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 360-88

CREUSER, SCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Creuser, Scott in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 361-88

CITY TOW (PONCE, FRANCISCO A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Ponce, Francisco A.) in the sum of $100.00 as a result of a faulty tow, be and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 362-88

CITY TOW (FRANKLIN-WHITE, SHOSHANA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Franklin-White, Shoshana) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 363-88

CITY TOW (DWEKI, GHASSAN SABRI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Dweki, Ghassan Sabri) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 364-88

CITY TOW (YEE, KWOK GIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Yee, Kwok Gin) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 365-88

K.C. MAO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of K. C. Mao in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 366-88

NAZARIO REYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nazario Reyes in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 367-88

TIM DIMOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tim Dimock in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 368-88

THE CITY TOW (LIANG, CATHERINE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Liang, Catherine) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 369-88

THE CITY TOW (MERIWETHER, DON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Meriwether, Don) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 370-88

THE CITY TOW (FASTABEND, RANDALL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Fastabend, Randall) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 371-88

THE CITY TOW (CERDA, ARMANDO #23785)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Cerda, Armando #23785) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 372-88

MICHAEL R. CADWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael R. Cadwell in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 373-88

DETORIE, DANIEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Detorie, Daniel in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 374-88

RICHARD STACY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Stacy in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 375-88

ROTH, TONI: STROMBERG TRYGUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roth, Toni; Stromberg Trygue in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 376-88

JAMES A. TRUDEAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James A. Trudeau in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 377-88

WILLIAMS, KENNETH W.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Williams, Kenneth W. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 378-88

AGNES WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Agnes Wong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 379-88

MADELEINE THERESE SAUSSOTTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Madeleine Therese Saussotte in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 380-88

SCHMITT, KELCY V.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Schmitt, Kelcy V. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 381-88

JANIE McDANIEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janie McDaniel in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 382-88

METWALLY, HANYS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Metwally, Hanys in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 383-88

MARK M. MULLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark M. Mullen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 384-88

JOAN HOLSTEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Holsten in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 385-88

HOTCHKISS, CARIE L.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hotchkiss, Carie L. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 386-88

GREGORY M. FITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory M. Fite in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 387-88

CITY TOW (DUMLAD, ROSALINDA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Dumlad, Rosalinda) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 388-88

WILLIAM B. BARINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William B. Baringer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 389-88

ERIK BUTLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Erik Butler in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 390-88

SUZANNE GUIDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Guido in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 391-88

GRACEY LEE OWENS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gracey Lee Owens in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 392-88

TONY H. TSANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tony H. Tsang in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 393-88

THOMAS DALRYMPLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Dalrymple in the sum of $80.00 as a result of damages sustained be, and the same is hereby approved.

Date of Incident: July 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 394-88

O'NEILL, GEOFFREY A.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of O'Neill, Geoffrey A. in the sum of $80.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 395-88

ALAN CHEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Cheung in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 396-88

KARL F. COHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karl F. Cohen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 397-88

KARL RYAN GRIMM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karl Ryan Grimm in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 398-88

RALPH R. MIRANDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph H. Miranda in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 399-88

ELISE RAVEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elise Ravel in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 400-88

ABBY SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Abby Sullivan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 401-88

PAUL TAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Tam in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 402-88

BONNIE JUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bonnie Jung in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 403-88

ALFRED S. BOSCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfred S. Bosco in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 404-88

CHRISTOPHER J. DE HEER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher J. de Heer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 405-88

LUTHER W. GILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luther W. Gill in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 406-88

LAWRENCE R. HECKARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence R. Heckard in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 407-88

LINDA L. LOVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda L. Love in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 408-88

THE CITY TOW (CROWE, THOMAS P. #25980)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Crowe, Thomas P. #25980) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 409-88

WANDA GOETZE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wanda Goetze in the sum of $65.00 as result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 410-88

QUI LUC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Qui Luc in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 411-88

THE CITY TOW (TOLER, REBA A. #27442)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Toler, Reba A. #27442) in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session this afternoon in an Attorney-Client Conference and no vote was taken.

Commissioner Owens then reported that as the Committee of one assigned from the Commission on General Order D-17 which she chaired in a meeting Friday, January 29, 1988, with outside and inside organization, said that it was a productive meeting but before giving a full report on the proposed recommendations from that meeting, General Order D-17 will have to be calendared on February 24th and the reason is that she will not be here on the 18th and President Giraudo will not be present on the 11th. She said so on the 24th she will give a full report on what was discussed and recommended at that meeting of the 29th, and notices will be sent to all parties who attended that meeting giving information of the time and place of the public hearing on the 24th.

(a) Public Comments

No public comments

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he wished to report on one item that took place which was in regard to a meeting that took place yesterday afternoon at Valencia Gardens regarding narcotic activities and an incident that happened at approximately 5:00 p.m. last Friday evening. He said three young males, late teens, sprayed the whole housing complex with about 35

rounds from automatic weapons. He said he called the meeting to assure the people in the area that everything that can be done will be done and he asked for full cooperation from all of the tenants and senior citizens living there. He said he also has assured them of full cooperation from Management of the Housing Authority, officers from Mission Station and also undercover officers from the Narcotics Task Force Team. He said he advised and assured them of all of the different things the Department will be pursuing to assist them.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said that he is now presenting to the Commission a copy of their budget request for the OCC. He said included is a real needs budget which projects the OCC needs for FY 88/89, and in addition, pursuant to the directions of the Mayor, they have prepared a maintenance budget which is the last two pages of the document and is a scaled down version of that request. He said he would ask that the Commission review it, give it its consideration and calendar it for next week.

Commissioner Nelder said he would move that the OCC Budget be calendared for the 11th of February. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 277-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Raymond E. West, Medical Liaison, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, is scheduled for Thursday, February 11, 1988 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

PUBLIC HEARING ON OCC ORDER P-1, "INTAKE PROCEDURE" AND OCC ORDER P-2, CASE TRACKING PROCEDURE"

Mr. Langer said to the Commission that he has submitted these orders which are their first two

orders in their quest to develop formal procedures for every task necessary in the OCC. He said P-1 is an intake procedure and basically what it does it mandates that all complaints are received and screened by the OCC and calls for a supervisor to make a decision as to the timeliness of the complaint and its validity. He said, secondly, the OCC did not have a formal procedure in that they did not have people scheduled on a regular basis, and it was causing problems with officer interviews and other people coming from their other OCC various duties. He then explained the remaining details of the order to correct this and other problems that dictated the need for this order, and likewise for the other order.

Mr. John Crew said that the ACLU delivered a letter to the Commission yesterday which he hoped the Commission had received and he just wanted to say that the ACLU very strongly supports the proposed orders. He said while they seem like simply nuts and bolts procedures, they are very significant and unprecedented in that this agency in the past has not come up with these procedures and they feel that this is a very important step.

Commissioner Nelder said he felt the orders are equitable and speeds up the process and he would move that they be approved. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 330-88

OFFICE OF CITIZEN COMPLAINTS ORDER P-1, "INTAKE PROCEDURE" AND OCC ORDER P-2, "CASE TRACKING PROCEDURE"

RESOLVED, that the Police Commission hereby approves Office of Citizen Complaints Order P-1, "Intake Procedure" and OCC Order P-2, "Case Tracking Procedure".

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

PUBLIC HEARING ON POLICE DEPARTMENT PROPOSED FISCAL YEAR 1988-1989 BUDGET

Deputy Chief Casey advised the Commission that before he entered into a discussion on the budget the Department presented last week, he wanted to bring them up to date on a problem that now confronts the Department. He said as he had told the Commission last week, the Mayor's Office said the Department cannot have any new positions or new equipment in the budget and this has presented the Department with a problem in two areas, one in the area of Parking Controllers and the other in the area of Communication Dispatchers. He said he would ask Captain Willett from the Traffic Division to give the Commission all of the details of the traffic problems.

Captain Willett said that 50 parking control officers had been hired on a temporary basis last year on approval by then Mayor Feinstein. He said the benefits of that hiring program was better traffic flow, reduced rush hour delays, improved

transit travel time, increased short term parking, improved pedestrian traffic safety, improved residential parking enforcement, cleaner streets by the full staffing of the street sweeping division and improved delivery of goods and the increase in City revenue. He said if they are laid off, most if not all, of the programs cited would suffer tremendously and he would recommend the full funding of these positions.

Chief Casey said the next area has to do with Communications Dispatchers. He then called upon Lieutenant Tom Mulkeen to give the Commission an overview of the problems there. Lt. Mulkeen said the problem is staffing in Communications at the level of Dispatchers. He said they are constantly operating with 15% less staff than what is necessary to properly do the job. He said they are authorized to have 110 positions and would propose that the authorized strength be raised to 10 more positions so that they would be able to accelerate their hiring and training which would enhance the retention of personnel and enable them to come up to an actual operating level to meet the needs of their workload as required, especially in operating 911.

After Lt. Mulkeen's presentation, Deputy Chief Casey said also present are representatives fron the Senior Escort and the SAFE Project to discuss aspects of their area of the budget, if the Commission has questions for them. He said the Department Operating Budget has to be in by the 16th and sometime thereafter, it will be necessary to meet with the Mayor's Staff. Commissioner Nelder said he would make a motion for approval of the budget for FY 88/89. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 331-88

OPERATING BUDGET FOR FISCAL YEAR 1988-1989 - SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the operating budget of the San Francisco Police Department for Fiscal Year 1988-1989.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

HEARING ON APPLICATIONS FOR ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS

Deputy City Attorney Rose Miksovsky advised the Commission that there are questions on litigation pending before the Board of Permit Appeals and it would affect the issuance of permits to the remaining four applicants. She said the City Attorney's Office would like to take it under consideration and provide the Commission with a recommendation at the next available opportunity as to how to proceed.

At this time Mr. Steve Diaz, attorney for Ms. Marguerite McGee, asked to speak and said that he was appearing on her behalf for the purpose of attempting

to preserve Ms. McGee's place on the list as the permit recently assigned to her by the Commission is one which is being challenged before the Board of Permit Appeals and will be challenged in the courts by the widow of the former permit holder. He said so their request to the Commission is to be able to administratively leave the permit just issued to her and allow her to resume her place on the list. He said they believe the Commission has that authority and it would be unjust to impose upon Ms. McGee the burden of waiting until this is settled and perhaps defending the City's right to give her the previously expired permit.

Commissioner Giraudo said it was his understanding, after having been advised by the City Attorney, that this was the position Mr. Diaz would take. He said to Mr. Diaz that the City Attorney is going to come back with an opinion on his request. He said he would seek a motion from one of his colleagues to postpone the hearing on the last four permits so that the Commission can resolve this matter in an equitable fashion and that Ms. McGee is not prejudiced and the Commission can ascertain as to whether it in fact has the authority that Mr. Diaz indicated it may have in his statement this evening. Commissioner Owens then made the motion to continue all matters on item #11 to February 18, 1988. Commissioner Nelder seconded and it was unanimously approved.

ISSUANCE OF PUBLIC CONVENIENCE AND NECESSITY CERTIFICATES (TAXICABS)

This matter was continued also to February 18, 1988 based upon the above statements.

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER LINDA J. FLANDERS, TECHNICAL SERVICES DIVISION, GENERAL OFFICE

The hearing of the disciplinary charges filed against Police Officer Linda J. Flanders, Technical Services Division, General Office, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Linda J. Flanders appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Terence Hallinan for the Defense.

The following witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Ron Kern, Narcotics Division
Officer Maria Orepoza, Narcotics Division
Sergeant Quin J. Jones, Management Control Division
Dr. Randall C. Baselt, Toxicologist, Chemical Toxicology Institute

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 Toxicologist's Report of 12/09/87, CTI Ref. No. 87-1886

The following witnesses appeared for the Defense, were sworn and testified:

Special Investigator Duane Hadley, District Attorney's Office
Mr. Tom Bogart, Assistant District Attorney

The following exhibits were entered into evidence by the Defense:

Exhibit A Three 3-1/2x5 color photos of a Hot House at Corte Madera address (I.D. on back)

Exhibit B Two 3-1/2x5 color photos of Green House and Back Yard and One Polaroid photo

Exhibit C Two 3-1/2x5 color photos of Bedroom dresser

Exhibit D Dr. Baselt's file on Studies of Passive Exposure to Marijuana Smoke and Urine Sample from Officer L. Flanders

The hearing was then continued to Wednesday, February 24, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

Recess taken during the hearing of Police Officer Linda J. Flanders:

8:20 p.m. to 8:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was adjourned thereafter at 9:40 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/fs

W/4108M

≡ Minutes

FEBRUARY 11, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, FEbruary 11, 1988 at 1700 hours in a Regular Meeting.

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Commissioner Nelder presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF OCTOBER 22, 1987

Approval of Minutes of Meeting of October 22, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 418-88

FRANCES A. ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frances A. Allen in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 419-88

PATRICK A. TOTTEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick A. Totten in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 420-88

MARILYN H. ELGIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marilyn H. Elgin in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Sanchez

RESOLUTION NO. 421-88

CATHERINE BRADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Brady in the sum of $135.00 as a result of a faulty tow be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 422-88

YELLOW CAB COOPERATIVE, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Cooperative, Inc. in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 423-88

IRENE MCAULIFFE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irene McAuliffe in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 424-88

JENNIFER McRAE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer McRae in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 425-88

KAROL LYNN FRIETZSCHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karol Lynn Frietzsche in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 426-88

MARJORIE JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marjorie Jones in the sum of $102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 427-88

ROBERT MING WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Ming Wong in the sum of 100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 428-88

YELLOW CAB COOPERATIVE, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Cooperative, Inc. in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 429-88

EDDIE VALENTINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie Valentine in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 430-88

JAMES T. WELCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James T. Welch in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 431-88

JOE MICHAEL WETTSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joe Michael Wettstein in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 432-88

REINHARD SIMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reinhard Simon in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 433-88

ELLIS F. SULT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellis F. Sult in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 434-88

ANITA SOLORIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anita Solorio in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 435-88

JACQUES C. C. LOU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacques C. C. Lou in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 436-88

ELIOT KENIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eliot Kenin in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 437-88

DORIS LANCTOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Doris Lanctot in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 438-88

RHONDA A. LEAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rhonda A. Leal in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 439-88

GEORGE S. GREENLEAF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George S. Greenleaf in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 440-88

NATALIE HARARY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Natalie Harary in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 456-88

THOMAS K. ROWLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas K. Rowland in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 457-88

SUSAN M. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan M. Miller in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 458-88

JUDITH OGDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Ogden in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 459-88

CYNTHIA MALONEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Maloney in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 460-88

ROY S. LEVIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roy S. Levin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 461-88

DONALD GEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald Gee in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 462-88

MATTHEW ALAN FREDERICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matthew Alan Frederick in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 463-88

EDWARD THOMAS ADAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Thomas Adams in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 464-88

MITCHELL FINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mitchell Fine in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 465-88

NICKILYN J. FISCHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nickilyn J. Fischer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 441-88

DONALD HARRILL

RESOLVED, that the recommendation of the City Attorney for settlement of Donald Harrill in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 441-88

GLENN AU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Glenn Au in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 443-88

RICHARD A. BASSI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard A. Bassi in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 12, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 444-88

CECILY FITZPATRICK

RESOLVED, that the recommendation of the City Attorney for settlement of claim of Cecily Fitzpatrick in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 445-88

DAVID G. BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David G. Brown in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 446-88

JOHN EBERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Ebert in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 447-88

CYNTHIA A. COTE

RESOLVED, that the recommendation of the City Attorney for settlement of claim of Cynthia A. Cote in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 448-88

CHRISTINE CONGTANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Congtang in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 449-88

DEBRA CLARKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra Clarke in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 450-88

JAMES R. YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Young in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 451-88

CHARLES W. ZETTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles W. Zettle in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 452-88

RONALD J. WILSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald J. Wilson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 453-88

CHI KEN WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chi Ken Wong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 454-88

NATALIA TORRES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Natalia Torres in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 455-88

SAEED RAMEZANI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Saeed Ramezani in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 466-88

GREGORY C. FISHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory C. Fisher in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 467-88

JOYCE V. DE LA CRUZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce V. de la Cruz in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 468-88

BILLETTE DE VILLEMEUR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Billette de Villemeur in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 469-88

PETER DIGGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Diggs in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 470-88

DEWITT CONKLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dewitt Conklin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1988

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 471-88

SCOTT EDWARD COLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Edward Cole in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 472-88

ARBON BILLUPS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arbon Billups in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 473-88

LESLIE DANA PECH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie Dana Pech in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING OF POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer, Ingleside Station, was called it having been continued from the meeting of January 28, 1988.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Alexa A. Raymer appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

The following witnesses appeared for the Prosecution, were sworn and testified:

Ms. Isabelle Guevara, Public Defender's Office, 555 7th Street, San Francisco, CA
Dr. Charles Ingram, St. Francis Hospital, San Francisco, CA
Sergeant Charles Siani, Company H
Sergeant Michael Geraldi, Management Control Division
Lieutenant Terence Hunter, Company G

The following exhibits were entered into evidence by the Prosecution:

Exhibit #3	Letter from Dr. Charles Ingram to Sgt. Michael Geraldi, 6/24/87
Exhibit #4	St. Francis Hospital Emergency Room Report on Officer Alexa Raymer, 4/18/87
Exhibit #5	Alexa Raymer's 1-page document, Employer's Report of Occupational Injury/Illness
Exhibit #6	Measurements at site of alleged incident by Sgt. Giraldi
Exhibit #7	Measurements at different angle at site of incident by Sgt. Giraldi
Exhibti #8	Memo from Officer Alexa Raymer to Captain D. Philpott, Ingleside Sta., dated 4/16/87

The following exhibits weere entered into evidence by the Defense:

Exhibit B	8x11 Color Photo showing walkway on side of building towards front
Exhibit C	8x11 Color Photo showing roof of building looking at left side
Exhibit D	8x11 Color Photo showing roof of building looking at right side
Exhibit E	Record of Dr. George Woo's operation on the wrist of Police Officer Alexa Raymer
Exhibit F	Doctor's Medical Report on Alexa Raymer, C78-137-1644

The hearing was then continued to Wednesday, February 24, 1988 at 3:30 p.m. in room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Clint Miller, CSR.)

Recess was taken after testimony from Ms. Isabelle Guevarra during the hearing of Officer Alexa Raymer:

7:20 p.m. to 7:42 p.m.

REGULAR CALENDAR

POLICE COMMISSION REPORT

(a) CHANGE OF MEETING DATE FROM THURSDAYS TO WEDNESDAYS, COMMENCING FEBRUARY 24, 1988

Commissioner Nelder said one of the things that they should mention and approve is that the Commission is going to change its meeting dates from Thursdays to Wednesdays starting on February 24th. Commissioner Owens said that she would make that motion and Commissioner Sanchez seconded. It was then unanimously approved to change the Commission's Meeting days from Thursdays to Wednesdays.

(b) PUBLIC COMMENTS

No Public Comments were made at this time.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER D-19, "INFECTIOUS DISEASE CONTROL PROCEDURES"

Chief of Police, Frank Jordan said that this particular item deals with the issue of the AIDS Infection.

Commissioner Nelder then advised the Chief that before he continues further that the Commission does not plan to take action on this item this evening. He said several of the Commissioners feel that they would like to make a little more in-depth study of it before acting upon it. He said it will probably be continued for one week, however, he said to the Chief, with that in mind he may continue.

Chief Jordan then said that three people will probably be speaking on this issue. He said one will be Lieutenant Ed Pecinovsky from the Legal Office, Sergeant Woody Tennant who is from Vice and Dr. Tom Peters from the Public Health Department who has been instrumental in coordinating a lot of Community efforts and the Department is working very closely with the Health Department. He said there may be the possibility that Dr. Werdegar of the Health Department may be here also. He then asked Lieutenant Pecinovsky to speak to the issue.

Commissioner Sanchez said he would like to state before the Lieutenant speaks that he had just received this order and for it to be on calendar for public hearing with such short notice should not have occurred. He continued by saying especially when the order is one of such magnitude which concerns a health issue that the whole nation is facing.

Commissioner Owens said she also had just received the order and had not had a chance to review it. However, she said she wanted to know if there is Staff Development built into the order i.e., provisions for staff not just to read the order but to be able to understand and dessiminate the contents to others. Lieutenant Pecinovsky assured her that there was Staff Development and the provisions of this would be pointed out when the order undergoes full discussion.

Mr. John Crew of the ACLU said that he was very concerned to the extent that this order apparently requires mandatory testing from potential exposures and he would certainly like an opportunity for their AIDS expert to look at it.

Commissioner Sanchez said he would make a motion that this item be continued to the 24th of February and that adequate notification is made to all parties for this most important document. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 412-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ROY A. PRIEST, TACTICAL DIVISION, DOG UNIT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Roy A. Priest, Tactical Division, Dog Unit, as follows:

SPECIFICATION NO. 1

Consuming alcoholic beverages while on duty (violation of Rule III.A of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 2

Being intoxicated while on duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Roy A. Priest, Tactical Division, is scheduled for Thursday, February 18, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 413-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Eddie L. Coley, Potrero Station, as follows:

SPECIFICATION NO. 1

Leaving assigned duty post without permission (violation of Rule B-6 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in personal business while on duty (violation of Rule B-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to promptly obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Eddie L. Coley, Potrero Station, is scheduled for Thursday, February 18, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER CANDICE E. FUKUNAGA, POTRERO STATION

Mr. Michael Gash, Attorney for the Department said that the Department would like to withdraw that matter. He said Staff had re-reviewed the evidence and determined that it was not sufficient to bring before the Commission that it could be held at the Chief's Level and would be held before the Chief sometime next month.

Commissioner Sanchez said he would make the motion to accept the withdrawal. Commisioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 417-88

HEARING OF PROBATIONARY POLICE OFFICER CANDICE E. FUKUNAGA, POTRERO STATION

The hearing of Probationary Police Officer Candice E. Fukunaga, Potrero Station, was called it having been set for this date. Probationary Police Officer Fukunaga was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Operating a department vehicle in a reckless and negligent manner (violation of Rule A-22 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to be respectful to a superior officer (violation of Rule A-13 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer all questions asked by a superior officer truthfully or without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, Chief of Police Frank M. Jordan requests that the charges be withdrawn and states that it will be handled administratively; therefore be it

RESOLVED, that charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, is continued off calendar by order of the Police Commission.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 415-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. James P. Collins, Attorney at Law, representing Officer Raymond E. West, that the date for the hearing of the disciplinary charges filed against Police Officer Raymond E. West be set for April 13, 1988; therefore be it

RESOLVED, that the date for the hearing disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, is set for Wednesday, April 13, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, owens, Sanchez
ABSENT: Commissioner Giraudo

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank M. Jordan gave the Commissioners an update on the MUNI Railway situation. He said at the present time looking at the last two months in particular it can be seen that there were forty-seven (47) separate instances of rock throwing at the buses in various parts of San Francisco. He said those locations were in the 3rd Street corridor, Hunters Point, Visitation Valley and Ocean and Plymouth and Ocean and San Jose areas. He said what the Department has done is to augment the plain clothes MUNI Transit Security and put many of those officers in uniform where visibility is important at this time because of the rock throwing instances. He said the Department has witnessed nineteen (19) incidents of fist fights on the buses usually juveniles fighting each other. He said, however, there have been eleven (11) assaults on drivers. He said the Department will continue to have the officers on the buses working very closely with the communites that they are in. He said they are also working with the MUNI Officials and the feedback from all concerned is very, very good.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Michael Langer said he has distributed to the Commission, at this time, Drafts of OCC Orders P-3, which covers intake procedures for one, and the other is a Case Custody Order.

He said pursuant to the Commission's Orders, all OCC files are kept in the OCC's custody. He said the Case Custody Order establishes a procedure whereby they are able to track each one of the files that are sent to the City Attorney's Office. He said he would ask that the Commissioners review these Orders and calendar them for Public Hearing on next week's Commission Agenda.

He said he just had one other item in that once again he checked with Lieutenant Frazier today and learned that the District Attorney's Office has still failed to file the long awaited OCC Investigation report with the Police Commission. He said he must continue to emphasize that this is causing the OCC significant problems and delay in personnel movements that must be undertaken to meet OCC goals.

Commissioner Nelder advised Mr. Langer that Lieutenant Frazier would follow through by checking with Assistant District Attorney John Carboni to see if the report could be expedited and presented to the Commission for review and final disposition.

PUBLIC HEARING ON OFFICE OF CITIZEN COMPLAINTS BUDGET FOR FISCAL YEAR 1988-1989

Mr. Langer in giving the Commission an overview of the OCC Budget said that in looking at the Mayor's mandate that the OCC not increase its services, in order for OCC to perform their duties as they are required by Charter, the minimum level of staffing and the expense that are listed in the real needs budget is what the OCC really has to have. He said he would ask that the Commission look at it and pass a resolution to adopt it and then he will forward it to the Mayor's Office, with a justification, on Tuesday, the 16th of February.

Mr. John Crew of the ACLU said that he would like to speak to this budget of the OCC and to provide the Commission with some context, he would like to say, that the Commission is aware and that prior to Proposition G, the OCC and its budget and its ability to do its job has been artifically held down by the Charter Cap. And according to the Budget Analyst Report, this agency has had to operate with only seven full time investigators. He said its predecessor, the Internal Affairs, according to the budget analyst, had sixteen (16) full time investigators, yet, he said, the OCC has to handle nearly six times as many complaints. He said Mr. Langer is only asking for an additional five people which would bring the OCC up to 12 and it is absolutely crucial that at least 5 more investigators be added to this staff.

Commissioner Sanchez said that he felt that the budget that is being submitted by OCC certainly is one that would mandate the charge of the OCC whereby it would be able to function at least at an adequate level to determine if in fact it is efficient or not efficient. He said he would make a motion that the Commission adopt the OCC Budget as submitted for Fiscal Year 1988/89 which is being submitted in the amount of $1,336,098.00 in order to expedite and fully carry out the mandates of the charge of the OCC. Commissioner Owens said she would second that motion and it was unanimously approved.

RESOLUTION NO. 414-88

OFFICE OF CITIZEN COMPLAINTS BUDGET FOR 1988-1989

RESOLVED, that the Police Commission hereby approves the budget for the Office of Citizen Complaints for Fiscal Year 1988-1989.

AYES: Commissoners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF AMENDMENT TO ADMINISTRATIVE CODE REGARDING NARCOTICS FORFEITURE FUND

Lieutenant Ed Pecinovsky said this item calls for approval of a procedure that the Controller needs to distribute the money that has been collected. He said the Department has several thousand dollars sitting in its bank account waiting to be spent and this will create the legal authority and the means to spend it. He said the Department is therefore asking the Commission to adopt it and send it to the Board of Supervisors for their final action.

Commissioner Sanchez said he would make the motion for approval. It was seconded by Commissioner Owens and unanimously approved for adoption.

RESOLUTION NO. 416.88

PROPOSED AMENDMENT TO ADMINISTRATIVE CODE ESTABLISHING FUNDS TO RECEIVE SEIZED NARCOTICS ASSETS

WHEREAS, under 21 U.S.C. Section 881, et seq., the Police Department of the City and County of San Francisco is eligible to receive funds obtained by the Federal Government under narcotics forfeiture laws; and

WHEREAS, in order to be eligible to receive such funds, the City and County must be able to demonstrate that the funds will supplement rather than replace existing law enforcement resources; therefore be it

RESOLVED, that the Police Commission requests the Board of Supervisors to add Section 10.117-64 Narcotics Forfeiture Fund, to the San Francisco Administrative Code, which will allow for the receipt of any funds or tangible property as a result of the Police Department's participation in the seizure or forfeiture of property.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING OF POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION

Reconvened commencing with Dr. Charles Ingram.

The meeting, thereafter, was adjourned at 8:10 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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FEBRUARY 18, 1988 - Minutes CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, February 18, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

FEBRUARY 18, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, February 18, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

APPROVAL OF MINUTES OF MEETING OF OCTOBER 29, 1987

Approval of Minutes of Meeting of October 29, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

DOCUMENTS DEPT.
JUN 6 1989
SAN FRANCISCO PUBLIC LIBRARY

RESOLUTION NO. 481-88

MELVIN CLATTY vs. CCSF, et al

RESOLVED, that judgment made by the City Attorney for the settlement of the litigation of Melvin Clatty entitled "Melvin Clatty vs. CCSF, et al" in United States District Court No. C86-4750 EFL in the amount of $21,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1983

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 482-88

HUMBERTO MURILLO, et al vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Humberto Murillo in the amount of $6,000.00 entitled "Humberto Murillo, et al vs. CCSF" in United States District Court No. C86-3704 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 12, 1986

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 483-88

LUXOR CAB COMPANY & PETER BERZAMAN vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Luxor Cab Company & Peter Berzaman entitled "Luxor Cab Company & Peter Berzaman vs. CCSF, et al" in the amount of $5,000.00 in Superior Court No. 815-692 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 24, 1982

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 484-88

CITY TOW (KUZMAN, ZLAHKO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Kuzman, Zlahko) in the sum of $475.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 485-88

CITY TOW (SPURGEON, PHILLIP LEO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Spurgeon, Phillip Leo) in the sum of $210.00 as a result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 486-88

CITY TOW (DURDEN, LINDA JOICE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Durden, Linda Joice) in the sum of $210.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 487-88

CITY TOW (BROOKS, GRIC G.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Brooks, Gric G.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 488-88

CITY TOW (CALDERON, JOSE J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Calderon, Jose J.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 489-88

CITY TOW (DEANNA, ADOLFO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Deanna, Adolfo) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 490-88

CITY TOW (VANSANT, GEORGE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Vansant, George) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 491-88

CITY TOW (WILLIS, CHERYL LYNN)

RESOLVED, that the recommendation of the City Attorney for ettlement of the claim of City Tow (Willis, Cheryl Lynn) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 492-88

CITY TOW (VANHAMPEN, APRIL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Vanhampen, April) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 493-88

CITY TOW (THOMPSON, PHOEBE C.F.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Thompson, Phoebe C.F.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 494-88

CITY TOW (SULLINGER, HARRY III)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Sullinger, Harry III) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 495-88

CITY TOW (LAVIN, RACHEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Lavin, Rachel) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 496-88

CITY TOW (RUPERTO, CELSO A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Ruperto, Celso A.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 497-88

CITY TOW (EDELMAN, FLORENCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Edelman, Florence) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 498-88

CITY TOW (GREEN, JED)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Green, Jed) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 499-88

CITY TOW (CHAVEZ, JUAN CARLOS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Chavez, Juan Carlos) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 500-88

CITY TOW (DANG, MAN NGOC)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Dang, Man Ngoc) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 501-88

CITY TOW (MENDES, JESUS JR.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Mendes, Jesus Jr.) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 502-88

CITY TOW (ROTH, GABRIEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Roth, Gabriel) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 503-88

CITY TOW (EDELSON, JACK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Edelson, Jack) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 504-88

CITY TOW (DENNY, PHILIP)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Denny, Philip) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 505-88

CITY TOW (TORELLI, NICHOLAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Torelli, Nicholas) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 506-88

CITY TOW (TRAN, SIU A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Tran Siu A.) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 507-88

CITY TOW (SORENSEN, DAVID M.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Sorensen, David M.) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 508-88

CITY TOW (CEJA, MIGUEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Ceja, Miguel) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 509-88

CITY TOW (DASALLA, VIRGILIO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Dasalla, Virgilio) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 510-88

CITY TOW (SOARES, ELAINE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Soares, Elaine) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 511-88

CITY TOW (ZRYD, DAVE J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 512-88

CITY TOW (WEBB, CORDIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Webb, Cordis) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 513-88

CITY TOW (WEINBERG, WILLIAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Weinberg, William) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 514-88

CITY TOW (GELHAUS, DEBBIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Gelhaus, Debbie) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 515-88

CITY TOW (GRAY, NADYNE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Gray, Nadyne) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 516-88

CITY TOW (HERBRICH, SIBYLLA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Herbrich, Sibylla) in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

POLICE COMMISSION REPORT

(a) PUBLIC COMMENTS

Ms. Laura Shulkind, Attorney with Public Advocates said as the Commission is probably aware, there is growing concern in the Community at the high incidences of race and sex discrimination and sexual harassment in the Department. She said as a result of that concern many of her colleagues met with Commissioner Owens about two weeks ago. She said the results of that very fruitful meeting brought about the volunteer efforts of Public Advocates to put together for the Commission and the Department a unified proposal expressing the various concerns of community members. She said she prepared that proposal and brought it here tonight so that the Commission would have a full week to consider it before its scheduled time for public hearing on the 24th. She said they will defer speaking to the Commission until that time and that they are in contact with the San Francisco POA and do not expect any problem with them.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had two items for the Commission tonight. He said he has briefed some of the Commissioners individually on what has occurred on 25th Street near Texas on Potrero Hill regarding the tragic incident of the young juvenile that was killed. He said the Department does have an ongoing investigation which is being followed up by the Homicide Detail and the Department also has another investigation that is being pursued through the District Attorney's Office. At this point, he said, he is continuing to report progress at Community Meetings out in the Potrero Hill area. He said he met with a large delegation of the Samoan Community today along with the Mayor and he said he senses that a number of more meetings will continue to take place while the investigation continues by the Department's Homicide Unit. He said the other item is the recent General Order D-19 that the Department is planning to discuss next week on the AIDS issue for the Police Officers and, he said, they have one amendment to it and he would like to have Lieutenant Pecinovsky from the Legal Office submit it to the Commission tonight in time for Commission perusal and discussion next week.

Lieutenant Pecinovsky said that last week the Department placed before the Commission the proposed General Order D-19 and one of the provisions in that Order was a mandatory testing procedure which mandates submission to testing for AIDS by the officers when they report it. He said there was some concern as to whether this was legal and consultation with the City Attorney said it was not and that portion of the Order has now been revised to provide for voluntary testing.

Mr. John Crew, ACLU, said that answered one of their concerns but there is one additional provision and that they suggested be included and that is a provision on the source contact testing which is described as voluntary so as to insure that there is no improper encouragement or coercion on the source contact to submit to testing. He said he would go back to the expert in their office to see if that is necessary. He said if they have a proposed amendment they will try to get it to the Commission either this Friday or Monday.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director, said he would like to report that although the OCC did not receive a complaint on the shooting that occurred out in the Potrero Hill District, OCC investigators did respond and he wanted to say that the police officers out there were extremely accomodating and cooperative in every aspect of assisting OCC investigators under some very trying circumstances. He said the officers out there really bent over backwards to try and assist the OCC in gathering initial information so that in the event a complaint is received, the OCC will be better prepared to carry out an in-depth investigation of the matter. Commissioner Giraudo said okay, however, he was not too clear on procedures in that regard. He said he was not clear as to whether the Commission has to authorize the sending of investigators to such an incident or scene or whether OCC has to receive a complaint in advance. He said he understood what OCC did and the reasoning behind it but it is something that needs clarification.

Mr. John Crew said he would like to make two brief points in this regard for the Commission's benefit. He said for a number of years going back at least to 1984, in incidents where it can reasonably be predicted there maybe OCC complaints, the OCC has, as a pro-active effort, sent investigators to monitor the most common situations such as political demonstrations so there is precedents for it. Secondly, he said, there is the authority under the Charter for the OCC to make policy recommendations which the ACLU believes is prudent for them, in some situations, to take a pro-active approach. He said he felt this was a situation where it is quite possible they will receive a complaint and while the material is fresh it is important for them to have access to it.

Mr. Langer then, in the continuation of his report, said that on January 14, 1988, at the request of the Commission, he has now provided them with a statistical report concerning OCC's annual investigations. He said last week he discovered there were thirty (30) additional cases which had been placed in a special category which were headed, "Criminal Pending". He said some of those cases date back to 1983 and were placed in that file because at the time the complainant reported the incident, there was criminal investigation going on by the Department and it was the belief of the Director at that time that there might be some evidence that could be developed and would somewhat compromise the OCC investigation. He said in October of 1985, a City Attorney's Opinion was requested about this and it stated that it was not necessary to delay the investigations but despite that information, the practice continued until December of 1986. He said, so, now the OCC will re-construct them, complete them, and close the cases out.

PUBLIC HEARING ON OFFICE OF CITIZEN COMPLAINTS ORDER A-1, "CASE CUSTODY MEMO" AND OCC ORDER P-3, "INVESTIGATORS OF THE DAY PROCEDURE"

Continued next week.

RESOLUTION NO. 474-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer John A. Haggett, Criminal Information Division - Warrant Bureau, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division - Warrant Bureau, is scheduled for Wednesday, February 24, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 475-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER ROY A. PRIEST, TACTICAL DIVISION, DOG UNIT

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Roy A. Priest, Tactical Division, Dog Unit, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Roy A. Priest be set for June 1, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Roy A. Priest, Tactical Division, Dog Unit, is set for Wednesday, June 1, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 476-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Eddie L. coley, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Eddie L. Coley be set for May 25, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Eddie L. Coley, Potrero Station, is set for Wednesday, May 25, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 477-88

RESETTING OF DATE FOR HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing be reset for May 18, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, is reset for Wednesday, May 18, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

RESOLUTION NO. 478-88

SETTING OF DATE FOR HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICERS RONALD HOLLINS AND JAMES D. JONES

WHEREAS, the date for the setting of the hearing in the matter of Police Officers Ronald Hollins and James D. Jones to reconsider the record in regard to a decision by the Police Commission to sustain Chief Frank M. Jordan's disciplinary suspension imposed on the officers in accordance with Superior Court No. 883-781, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing in the matter of Officers Hollins and Jones be set for March 9, 1988; therefore be it

RESOLVED, that the date for the hearing in the matter of Officer Ronald Hollis and Officer James D. Jones is set for Wednesday, March 9, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF AMENDMENT TO TRAFFIC CODE SECTION 32.6.10 PROVIDING FOR SPECIAL PARKING ZONES AT THE NEW NORTHERN STATION

Deputy Chief Will Casey said plans are to open the new Northern Station in March and these are the parking regulations that will be in effect around the new Police Station which allows for public parking and prohibits illegal parking on the grounds of the new station. Commissioner Nelder said it is necessary to adopt this to make the station functional and be made a motion for approval. It was seconded by Commissioner Sanchez and unanimously approved.

RESOLUTION NO. 479-88

PROPOSED AMENDMENT TO THE TRAFFIC CODE PROVIDING FOR SPECIAL PARKING ZONES AT THE NEW NORTHERN STATION (1125 FILLMORE ST.)

WHEREAS, the City and County of San Francisco has acquired the property commonly known as 1125 Fillmore Street to be utilized as Northern Police Station; and

WHEREAS, there is no current ordinance which regulates off-street parking at the facility; now therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt the attached proposed amendment to the Municipal Code (Traffic Code Section 32.6.10) to regulate off-street parking at 1125 Fillmore Street.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

POLICE COMMISSION RECONSIDERATION ON APPLICATIONS FOR ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS

Ms. Rose Miksovsky, Deputy City Attorney, reminded the Commission that there's a legal challenge by the surviving spouse of a deceased taxicab operator naming community property interest in the permit that was issued to Marguerite McGee. She said since that time, of two weeks ago, there has been a second action filed by a second widow who also claims community property interest in the permit that was issued to Richard Lygutis. She said until the legal issue of the Department's action avoiding a permit upon the death of a taxicab operator when the surviving spouse claims a community property interest is resolved by the courts, there will be a cloud on any permit that the Commission adopt a policy to suspend the issuance of any taxicab permit that falls within this category, that is, if a surviving spouse claims a community interest in the permit. She said she would also recommend that the Commission find the particular permits in this category are no longer available for issuance and to rescind its resolution to issue Ms. McGee and Mr. Lygutis the permits. She said this would restore them to their former ranks on the list and they would be eligible to receive permits from amoung the fifty (50) permits the Commission will be considering tonight.

Mr. Richard Lygutis commented that he felt this was a good idea as there was a possibility of a cloud being on it as this whole issue of whether or not a widow has property rights, community property rights was resolved within the first year right after Proposition K was adopted.

Commissioner Sanchez then made a motion to adopt the following resolution:

RESOLUTION NO. 523-88

POLICE COMMISSION POLICY VOIDING TAXICAB OPERATOR'S PERMIT UPON THE DEATH OF OPERATOR OWNER SUSPENDING REISSUANCE OF SAID PERMIT UNTIL FINALLY RESOLVED BY THE COURT

WHEREAS, the Police Commission finds that surviving spouses of deceased operators have challenged the Departmental policy to void taxicab operators' permits upon the death of the operator owner, and

WHEREAS, surviving spouses of these deceased operators claim a community property interest in the permits which entitles them to continued use of the permit; therefore be it

RESOLVED, that the Police Commission finds that it is in the public interest to suspend the reissuance of a taxicab permit that is so challenged until the legal issue is finally resolved by the courts.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

Commissioner Sanchez said since the above parties have been restored to the applicant list he would make a motion to incorporate by reference all evidence and testimony previously submitted as to Ms. McGee's and Mr. Lygutis' qualifications into the record. Commissioner Nelder seconded and it was unanimously approved.

Commissioner Sanchez then made another motion for the Commission to incorporate by reference all evidence and testimony submitted at the public convenience and necessity hearings from November, 1986 through January 28th, 1988, and the evidence and testimony of the individual applications submitted at the January 28th, 1988 hearing into the record of this hearing and up to today's date and that the Commission finds that all the applicants that have appeared before the Commission on January 28th, 1988, are qualified to possess a motor vehicle for hire permit and that based upon the enitre record of these proceedings, the Commission finds that clear and convincing evidence demonstrates that the current level of taxicab service in San Francisco is not adequate to meet public convenience and necessity.

Commissioner Nelder seconded and it was unanimously approved.

Immediately, thereafter, Commissioner Sanchez said he would move that the Commission adopt the following resolution:

RESOLUTION NO. 324-88

APPLICATION OF MARGUERITE McGEE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB AND ISSUANCE OF A TAXICAB PERMIT - APPROVED

WHEREAS, Resolution No. 1718-87 issued December 18, 1987 on the above subject is hereby rescinded, and

WHEREAS, the San Francisco Police Commission conducted hearings from November, 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefore; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds:

1. Marguerite McGee appeared at a public convenience and necessity hearing.

2. Marguerite McGee is financially responsible and will maintain proper financial records.

3. Marguerite McGee has complied with all provisions of the Municipal Code, including pertinent motor vehicle laws.

4. Marguerite McGee will be a full-time driver, within the meaning of Section 2(b) of the Ordinance Providing for the Regulation of Taxicabs and Other Motor Vehicles for Hire.

5. Clear and convincing evidence demonstrates that the current level of taxicab service in San Francisco is not adequate to meet public convenience and necessity and that this certificate must be issued to ensure that public convenience and necessity is properly served; therefore be it

RESOLVED, that pursuant to the Ordinance providing for the Regulation of Taxicabs and Other Motor Vehicles for Hire, a certificate of public convenience and necessity for the operation of a taxicab shall be and is hereby granted to Marguerite McGee; and, therefore be it further

RESOLVED, that the Chief of Police is directed to issue a taxicab operator permit to Marguerite McGee upon Marguerite McGee's compliance, within 60 days from the date of this resolution, with the Chief of Police's Regulations for Taxicabs, and such permit shall be granted under and shall be revocable under criteria and standards published by this Commission in conjunction with applicable sections of the San Francisco Municipal Code and the Ordinance Providing for the Regulation of Taxicabs and Other Motor Vehicles for Hire.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

Commissioner Nelder moved for Mr. Richard Lygutis.

RESOLUTION NO. 325-88

APPLICATION OF RICHARD LYGUTIS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB AND ISSUANCE OF A TAXICAB PERMIT - APPROVED

WHEREAS, Resolution No. 329-88 issued February 4, 1988 on the above subject is hereby rescinded, and

WHEREAS, the San Francisco Police Commission conducted hearings from November, 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefore; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds:

1. Richard Lygutis appeared at a public convenience and necessity hearing.

2. Richard Lygutis is financially responsible and will maintain proper financial records.

3. Richard Lygutis has complied with all provisions of the Municipal Code, including pertinent motor vehicle laws.

4. Richard Lygutis will be a full-time driver, within the meaning of Section 2(b) of the Ordinance Providing for the Regulation of Taxicabs and Other Motor Vehicles for Hire.

5. Clear and convincing evidence demonstrates that the current level of taxicab service in San Francisco is not adequate to meet public convenience and necessity and that this certificate must be issued to ensure that public convenience and necessity is properly served; therefore be it

RESOLVED, that pursuant to the Ordinance providing for the Regulation of Taxicabs and Other Motor Vehicles for Hire, a certificate of public convenience and necessity for the operation of a taxicab shall be and is hereby granted to Richard Lygutis; and, therefore be it further

RESOLVED, that the Chief of Police is directed to issue a taxicab operator permit to Richard Lygutis upon Richard Lygutis' compliance, within 60 days from the date of this resolution, with the Chief of Police's Regulations for Taxicabs, and such permit shall be granted under and shall be revocable under criteria and standards published by this Commission in conjunction with applicable sections of the San Francisco Municipal Code and the Ordinance Providing for the Regulation of Taxicabs and Other Motor Vehicles for Hire.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

ISSUANCE OF PUBLIC CONVENIENCE AND NECESSITY CERTIFICATES (TAXICABS)

Commissioner Nelder said he would move that the Commission adopt the same resolution that it has already adopted in Item #13 for the next person on the list and continuing throughout to the very end.

Bruie Anton - Resolution No. 278
Oliver Wong - Resolution No. 279
Peter Wong - Resolution No. 280
Robert Cesana - Resolution No. 281
James Bolig - Resolution No. 282
Ali Fardbastani - Resolution No. 283
Edward Scoble - Resolution No. 284
Calvin Lo - Resolution No. 285

Charles Kleiman - Resolution No. 286
Al Hall - Resolution No. 287
Edmund Burke - Resolution No. 288
Kiflai Yosief - Resolution No. 289
Fesahe Taye - Resolution No. 290
Diosdado Galicha - Resolution No. 291
Thomas Diesso - Resolution No. 292
Cho Ng - Resolution No. 293
Guenter Dorn - Resolution No. 294
Robert Craig - Resolution No. 295
Glen Mack - Resolution No. 296
Doug Parsons - Resolution No. 297
Frank Shreiner - Resolution No. 298
Gene Bottorff - Resolution No. 299
George Whipple - Resolution No. 300
Constantine Evanikoff - Resolution No. 301
Cornelius Natividad - Resolution No. 302
Tom Stanghellini - Resolution No. 303
Warren Wong, Sr. - Resolution No. 304
Warren Wong, Jr. - Resolution No. 305
Michael Leung - Resolution No. 306
Ying Hom - Resolution No. 307
Rene Dorestant - Resolution No. 308
Rodolfo Contillo - Resolution No. 309
Winston Wong - Resolution No. 310
Wing Wong - Resolution No. 311
Chuck Tong - Resolution No. 312
Wai Chin - Resolution No. 313
Moon Hom - Resolution No. 314
Arthur Lee - Resolution No. 315
LLoyd Small - Resolution No. 316
Frances Wilson - Resolution No. 317
Yick Chee - Resolution No. 318
Walter Stockfleth - Resolution No. 319
John Nguyen - Resolution No. 320
Tesfa, Solomon - Resolution No. 321
Carlos Arroyo - Resolution No. 322
Paul Chan - Resolution No. 323

HEARING ON APPLICATIONS FOR ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS

Commissioner Giraudo said the Commission will now consider the applications of additional applicants. He said it is not an adversarial proceeding but rather a fact finding proceeding therefore only staff acting on behalf of the Police Commission will be permitted to question witnesses.

Sergeant Mary Stasko of the Permit Section then came forth and said that the first applicant before the Commission tonight is Mr. Gilbert Padell. She said the Permit Section's recommendation, because of his inability to meet the necessary criteria as a taxicab medallion owner would be denial. She said Mr. Padell has stated that he has Parkinsons Disease and is unable to complete necessary documents when operating a cab. She said she asked him to fill out some of the forms so that she could be sure of his ability to write and complete forms. She said he partially filled out the first page of one and returned it to her saying that he could not complete it. She said Mr. Padell is 72 years old and his medical report confirms he has Parkinsons Disease. She said insurance requirements call for ruling out anyone at any age with Parkinsons Disease.

At this time a Mr. Gerald J. Lynch introduced himself to the Commission and said that he is a certified rehabilitation counselor. He said Mr. Padell has been passed by the Doctor twice, had taken the 241 of the Department of Motor Vehicle and passed and if he needs insurance he would be able to carry private insurance. He said DeSoto Cab Company has written a letter indicating that Mr. Padell can get insurance.

Commissioner Giraudo said that he would rather have DeSoto Cab Company who wrote the letter, along with Mr. Padell, present to the Commission evidence that in fact Mr. Padell is or is not insurable and if he is not then it's a simple issue but if an insurance company says he can drive and the DMV says he can drive along with an okay from his doctor then we should not deny him his right to drive.

Ms. Rose Miksovsky, Deputy City Attorney, advised the Commission that they could grant Mr. Padell a conditional permit providing he fulfill certain conditions within two weeks.

Commissioner Nelder said that he would make a motion that Mr. Padell be granted the permit as previously outlined. Commissioner Sanchez seconded and it was unanimously approved.

The next applicant called was Mr. James E. Hoffman who after going through the regular procedure for taxi applicants was approved also.

Commissioner Giraudo said the motion to approve will be incorporated in the resolution so adopted for all of the other Taxicab applicants. He continued by saying that for the purposes of the submission of public testimony in evidence regarding the issuance of additional motor vehicle for hire permits, the hearings are now closed.

Gilbert Padell - Resolution No. 326
James Hoffman - Resolution No. 327

Commissioner Giraudo said as to the remaining applicants, the Commission declines to act upon them because the PC&N will at this time be served by the outstanding permits, along with the permits the Commission has authorized during these hearings. He said they will be considered in that order the next time the Commission considers the issuance for motor vehicles for hire.

John Tsakonakis - no action
Duncan Dong - no action
James C. Larson - no action

HEARING ON THE MOTION TO STRIKE CERTAIN ALLEGATIONS IN DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER TONY B. HICKS

HICKS MOTIONS:

Commissioner Giraudo: "The procedure that Counsel has described is that it does become progressive to the point where the Chief says this is going to the Commission because I have given them 3, 5, 10 days and it doesn't seem to have any impact.

I will say though Officer for whatever its worth, from looking at what I see here, there does seem to be a total disregard for the rules and regulation of the Department albeit nothing of an incredible serious nature here that would indicate, as again, some of the things we have seen before this Commission, but at the same time as a para-military group the SFPD does have to have Rules and Regulations that are followed by its officers but I think Mr. Gash what we have here if we are going to speak to progressive discipline then it should be progressive and secondly if this Commission is to hear a matter that's being referred by the Chief's Office, I think it has to be with respect to the most recent event. Now I could be wrong and perhaps the City Attorney or somebody else may tell me that I am wrong but that is my humble opinion.

Commissioner Nelder: "I think, Mr. President, I think perhaps that might be the answer to it because I think what the Chief is saying here is that he has tried all of these, he hasn't gotten any compliance, and he winds up by saying, 'The accuse, by his conduct since about January 8, 1985, has shwon a total disregard for the Rules, Order and Procedures of the San Francisco Police Department, even after being suspended on several occasions;' and the process by which most sergeants, lieutenants and captains function is that if an officer might be tardy for the first time, five or ten minutes he writes it down, the second time he is warned and the 3rd or fourth time he is brought before the Chief and the Chief may give him 1 or 2 days or whatever off. And it is a progressive lack of compliance with the rules and format of working conditions because this is a quasi-military organization and although it sounds insignificant if he is not in a given place something serious could happen to somebody else. So, I think the queston here is (whether or not an accumulative group of infractions such as outlined in these charges are possible to hear in conjunction with the Chief's recommendation that they all be heard at one time) and I think maybe this is a job for the City Attorney and perhaps it might not be a bad idea to get that opinion from the City Attorney (to determine whether or not you can take these past infractions and consider them as being an incorrigible up to the point where the Chief finally says he isn't complying I have tried everything and I am not getting any compliance) and I might suggest what does the Chief or sergeant, lieutenant or captain do if he can't get compliance."

Commissioner Giraudo: "I think you may be right, Commissioner. The problem that I have coming from an industrial sector rather than the Civil Service Sector is that I don't really know what is or what is not available vis a vis the process that exist. And it seems to me that the Chief should be able to bring something to the Commission when you have a history of disregard for the Rules and Regulations. I don't know myself though whether in fact we could, I mean in the industrial sector, you could very well, on Item no. 9 accumulative evidence about 3 through 8 but because of the nature of this body being quasi-judicial and quasi-administrative I am not certain in my own mind whether in fact we could and I think it would be appropriate to ask the City Attorney for an opinion.

Commissioner Nelder: "Well, I think in all deference to Officer Hicks it would be good to find out whether or not this is procedural and that would be my recommendation as to sending these specifications up to the City Attorney and get an answer from the City Attorney as to whether or not it is feasible.

Commissioner Giraudo: "Coupled with the Memorandum of Points and Authorities and a letter from the Lieutenant indicating that the Commission is not certain whether in fact they could or could not hear items 3 through 8 or any evidence on items 3 through 8 and address the issue of progressive discipline as well. I honestly don't know the answer. They may not either.

Commissioner Nelder: "I will make the motion that the Specifications against Officer Tony B. Hicks be sent to the City Attorney for determination and legality as they relate to a trial before the Police Commission as outlined in these Specifications and I suggest that we defer any Hearing until we get the reply back.

Commissioner Sanchez: "I will second the motion. Unanimously approved.

Commissioner Sanchez: "I supported the motion because I feel that perhaps there does need to be some clarification pertaining to the legal process by which we hear the Officer or basically the charges against him, none-the-less as you read through the litany here, I mean the fact of the matter is we are talking about a police department and we are talking about public safety and we are talking about a degree of discipline and as you sort of look at some of these infractions pertaining to the failure to appear for qualification at the firing range and then it occurs again and then you do whatever, I think at some point the Officer in question should really think about his motivation for becoming a police officer and hopefully comply with 100 percent. We need, as a quasi-military organization, this discipline and supervision and unless the Chief of Police has that authority to mandate it I think we are going to run into some serious problems. Again this is off the record in reference to the comments I heard, I am not so sure that basically we need, as an example, like or perhaps two or three admonishments and ten days off and then back again on another charge. I mean if there is a series of charges and a series of perhaps infraction I think there needs to be some serious discussions with this officer about law enforcement as a career. And if a person doesn't wish to comply with the Rules and Regulations of the Department I think we need to think about other options rather than have it come before the Commission as a personal assessment of Law Enforcement and the professiona dn that is all I wanted to say.

Commissioner Nelder said he would make a motion to continue it for 30 days, seconded by Commissioner Sanchez and unanimously approved.

HEARING OF POLICE OFFICER CHRISTOPHER H. CUNNIE, PARK STATION

The hearing of the disciplinary charges filed against Police Officer Christopher H. Cunnie, Park Station, was called it having been set for this date. Police Officer Christopher H. Cunnie was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Christopher H. Cunnie appeared in person and was represented by Mr. Earl J. Disselhorst, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Earl Disselhorst for the Defense. Mr. Disselhorst made a plea of guilty on behalf of Officer Christopher H. Cunnie.

An opening statement was made by Mr. Michael Gash for the Prosecution.

The following named witness was called by the Prosecution, was sworn and testified:

Sergeant Quinn Jones, Management Control Division

Commissioner David Sanchez, Jr. made a motion to accept the plea of Officer Cunnie and was seconded by Commissioner Nelder and unanimously approved.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Christopher H. Cunnie be suspended for sixty (60) days to be held in abeyance for two years and he join the Department's General Order D-4 Program.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 480-88

DECISION - HEARING OF POLICE OFFICER CHRISTOPHER H. CUNNIE, PARK STATION

WHEREAS, on November 5, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Christopher H. Cunnie as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Christopher H. Cunnie, Star No. 1181, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department. The accused is assigned to the Metropolitan Division - Park Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about January 1, 1987, at approximately 0220 hours, the accused was involved in an accident in Sonoma, California, in which the vehicle he was driving left the roadway and damaged a wooden fence;

(4) A California Highway Patrol Officer responded to the scene and attempted to give the accused a field sobriety test. The accused was unable to stand without support, had a strong odor of alcoholic beverage on his breath, slurred speech, blood shot eyes and was unable to complete the test. The accused was arrested for driving under the influence and given the opportunity to submit to a chemical test of his choice, however, the accused refused to submit to a chemical test;

(5) On or about June 3, 1987, the accused's privilege to operate a motor vehicle was suspended by the Department of Motor Vehicles, commencing on June 12, 1987, and terminating on December 11, 1987, for refusing to submit to a chemical test after being requested to do so by a peace officer;

(6) The accused, by driving while under the influence of alcohol, by refusing to submit to a chemical test, after being requested to do so by a peace officer and by having his driving privilege suspended for refusing to submit to a chemical test, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 18, 1988, and on Thursday, February 18, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Christopher H. Cunnie are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty] 60 calendar days suspension, 15 days to be imposed and 45 days to be held in abeyance for two years, providing he join the San Francisco Police Dept. General Order D-4 Program

and be it further

RESOLVED, that said suspension of fifteen (15) calendar days is to be imposed commencing Friday, February 19, 1988 at 0001 hours and ending Friday, March 4, 1988 at 2400 hours. He is to join the San Francisco Police Department General Order D-4 Program. If any related violation occurs during the two year period, the remaining forty-five (45) days suspension is to be imposed.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioner Owens

Recess taken during the hearing of Police Officer Christopher H. Cunnie:

7:38 p.m. to 7:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:18 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/2987M

Minutes

FEBRUARY 24, 1988 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, February 24, 1988 at 3:30 p.m. in a Special Meeting.

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Commissioner Nelder presiding.

HEARING OF POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION (CONTINUED FROM MEETING OF FEBRUARY 11, 1988)

The hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer, Ingleside Station, was called it having been continued from the meeting of February 11, 1988. Police Officer Alexa A. Raymer was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Members shall not falsely report themselves sick or injured (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Alexa A. Raymer appeared in person and was represented by Mr. James P. Collins, Attorney at Law.

The following witnesses appeared for the Defense, were sworn and testified:

Mr. Francis M. Connolly, Polygraph Examiner
112 Alta Vista Road
Monterey, California
Police Officer Daniel Yawczak, Company F
Sergeant John Hallisy, Metropolitan Division
Police Officer Gillian Alexa Raymer, Company H
Police Officer Martha Ash, Crime Scene Investigation

The following exhibit was entered into evidence by the Defense:

Exhibit G 4x6 Color Photo looking at right side view of premises at 1575 Treat Street showing the roof to first level

The following exhibits were entered into evidence by the Prosecution:

Exhibit #9 8x6 Color Photo showing flat part of the roof looking southwesterly

Exhibit #10 8x6 Color Photo showing side view in southwesterly direction depicting the left side of premises next door to 1575 Treat Street

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 521-88

DECISION - HEARING OF POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION

WHEREAS, on October 24, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Alexa A. Raymer as follows:

SPECIFICATION NO. 1

Members shall not falsely report themselves sick or injured (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Alexa A. Raymer, Star No. 1644, (hereinafter referred to as "the accused") was and is a Police Officer employed by the San Francisco Police Department and is assigned to the Golden Gate Division - Ingleside Station;

(2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 13, 1987, at approximately 0030 hours, the accused, while on-duty and in uniform, responded to 1575 Treat Street on a family disturbance (418) call;

(4) A resident of 1575 Treat Street told the accused that her son had been drinking and causing a disturbance and had apparently climbed out his bedroom window onto the flat part of the roof;

(5) The accused climbed out of the bedroom window onto the flat part of the roof to look for the son of the complainant. The complainant and another person observed the accused during the period of time she was on the roof. The accused did not locate the son of the complainant while she was on the roof;

(6) The accused was then informed that the son of the complainant had reentered the residence through a bathroom window. The accused reentered the residence through the bedroom window, went into the bathroom and admonished the son of the complainant for his conduct. The accused subsequently left the complainant's residence and departed in a police vehicle.

(7) On or about April 13, 1987, at approximately 0100 hours, the accused returned to Ingleside Station. Lieutenant Terrance Hunter, Star No. 501, observed the accused enter the station with her uniform jacket wrapped around her waist. Lieutenant Hunter asked the accused what happened and she responded that she had chased a suspect who had a baseball bat and that she had fallen off the roof and split her pants. The accused also stated that she had caught the suspect. The accused requested permission to go home to get her jumpsuit and was advised by Lieutenant Hunter to work the remainder of the watch on station duty. The accused did not complain to Lieutenant Hunter that she had been injured as a result of the fall on this date, nor did Lieutenant Hunter observe any injuries to the accused;

(8) On or about April 18, 1987, at approximately 2000 hours, the accused, while on duty working station duty, complained to Lieutenant Alan Benner, Star No. 1716, that her wrist was hurting and informed him that she had injured her wrist when she responded to a run at 1575 Treat Street and fell from the roof while chasing a suspect;

(9) On or about April 18, 1987, an investigation of the injury sustained by the accused on April 13, 1987, was made by Sergeant Charles Siani, Star No. 379. The accused reported to Sergeant Siani that she was injured when she fell off the roof of 1575 Treat Street while pursuing a suspect. The accused also reported she fell approximately twelve (12) feet;

(10) On or about April 18, 1987, Sergeant Siano interviewed the residents of 1575 Treat Street and was informed that the accused never left the sight of the residents while she was on the roof, that the accused did not chase anyone while she was on the roof, and that the accused did not fall off the roof;

(11) The accused, by reporting to Lieutenant Benner, on or about April 18, 1987, that she was injured as a ~~re~~sult of a fall from a roof at 1575 Treat Street, which occurred on or about April 13, 1987, at approximately 0030 hours, while pursuing a suspect, has falsely reported herself as being injured by the fall on or about April 13, 1987, which constitutes a violation of Rule B-3 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall not falsely report themselves as sick or injured."

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

(12) The allegations contained in Specification No. 1 paragraphs (1) through (11) are incorporated by reference as if fully set forth herein;

(13) On or about June 15, 1987, the accused was interviewed by the Management Control Division;

(14) During the interview the accused was questioned regarding how she was injured when she responded to 1575 Treat Street, on or about April 13, 1987, at approximately 0030 hours;

(15) The accused, when questioned about how she was injured on or about April 13, 1987, was untruthful and/or evasive in her answers;

(16) The accused, by being untruthful and/or evasive in answering questioned asked by a superior officer during the Management Control Division interview, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to all questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 28, 1988, Thursday, February 11, 1988 and Wednesday, February 24, 1988, and on Wednesday, February 24, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Alexa A. Raymer, Ingleside Station, as contained in Specification No. 1, violation ~~of~~ Rule B-3 of General Order D-1, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Alexa A. Raymer has not violated Specification No. 1, violation of Rule B-3 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, violation of Rule B-3 of General Order D-1, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Officer Alexa Raymer:

6:00 p.m. to 7:27 p.m.
8:28 p.m. to 8:37 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recessed at 6:00 p.m. and reconvened at 7:27 p.m.

FEBRUARY 24, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, February 24, 1988 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 5, 1987

Approval of Minutes of Meeting of November 5, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

There was no consent calendar for tonight's agenda.

POLICE COMMISSION REPORT

Commissoner Giraudo said the Police Commission had no report for tonight's agenda.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank M. Jordan said he had a letter he believed that the Commissioners had also received from Ms. Mary Ellen Smith regarding Beat 42 in the Northern Police District and she is apparently now very satisfied with the support the Commission, Police Department and Commander of the Metropolitan Division has given them. He said her letter also

states that she is pleased with the results she has seen in the last three or four months particularly the last six weeks, and since the situation there has been ameliorated, she has requested that, as President of concern citizens of Precent 42, the matter be taken off the Commission's Calendar with the right to restore it should the situation deteriorate.

Commissioner Owens said that was great news and she would like to thank her colleague, Commissioner Nelder, for being the initiator on Ms. Smith's request for meeting periodically with the Commission on this matter.

Commissioner Nelder thanked Commissioner Owens and said that he was delighted that the Commission did give it its utmost attention by putting a great deal of time in it and he would make a motion to take the matter off calendar. Commissioner Owens seconded and it was unanimously approved for removal from the Police Commission Calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said he had nothing to report other than on the next following item.

PUBLIC HEARING ON OFFICE OF CITIZEN COMPLAINTS ORDER A-1, "CASE CUSTODY MEMO" AND OCC ORDER P-3, "INVESTIGATORS OF THE DAY PROCEDURE"

Mr. Langer said he had submitted these items, OCC Orders A-1 and P-3, for the Commission's perusal which were written to formulize a procedure which the OCC will follow in regards to copies of complaints to the City Attorney and the courts. He said he would ask that the Commission approve those orders as presented. Commissioner Nelder said he would make the motion for approval. Commissioner Sanchez said he would second it and it was unanimously approved.

RESOLUTION NO. 517-88

OFFICE OF CITIZEN COMPLAINTS ORDER A-1, "CASE CUSTODY MEMO" AND OCC ORDER P-3, "INVESTIGATORS OF THE DAY PROCEDURE"

RESOLVED, that the Police commission hereby approves Office of Citizen Complaints Order A-1, "Case Custody Memo" and OCC Order P-3, "Investigators of the Day Procedure".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 518-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer John A. Haggett be set for June 8, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, is set for Wednesday, June 8, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON PROPOSED AMENDMENTS TO DEPARTMENT GENERAL ORDER D-17, "DISCRIMINATION AND SEXUAL HARASSMENT"

Ms. Anita Arriola addressed the Commission on this item and said she was an Attorney from Public Advocates. She said she represents the women officers in the San Francisco Police Department and the NOW (National Organization of Women). She said the SFPOA has requested a "Meet and Confer" on General Order D-17 and they have tentatively scheduled that meeting for Monday morning at 10:00 a.m. and would therefore request a continuance of this public hearing until March 9, 1988.

Commissioner Giraudo said he appreciated her request and that he had been informed as had all of the Commissioners that this request was going to be made. He said he just wanted to see if it could be clarified for the record who was actually asking for the meet and confer. He said he was told today that the SFPOA was asking for it and he was later told that the SFPOA did not want it but that the Administration wanted it. He said he spoke with representatives of the Administration and they said that they hadn't wanted it but were following normal procedures. He said, however, if everything has been put off, as obviously it has as the group of people are not here who are interested, he said he would personally have no objection to the continuance.

Commissioner Nelder said he would make a motion to continue it to March 9, 1988, Commissioner Owens seconded and it was unanimously approved.

PUBLIC HEARING ON DEPARTMENT GENRAL ORDER D-19, "INFECTIOUS DISEASE CONTROL PROCEDURES"

Lieutenant Ed Pecinovsky of the Department's Legal Office addressed the Commission on this Order and said he would like the Commission to turn to page 2 and in paragraph 4 there are a couple of word changes that he would like to recommend to the Commission on behalf of the Chief. He said this came about a few minutes ago after some conversations with ACLU representatives. He said if the Commission will note line 5 where it says, "and confidential", add, "OR ANONYMOUS", and on line 8, where it says "critical need for," strike those

three words and substitute, "BENEFIT OF", and on line 10, strike, "medical and," which is near the end of the line. He said with those minor amendments to this proposal that is before the Commission he said the Department would ask that the Order be adopted. He said here tonight he had several people who would like to address the Commission on this subject. He said the first person would be Dr. Wood Tennant who is a Sergeant in the Police Department assigned to the Vice Crimes Division and is doing his Post Doctoral Internship at San Francisco General Hospital and AIDS Counseling in that area. He said also present is Dr. Tom Peters of the Department of Public Health, Dr. Clayton Parsons, Police Physician and Mr. Spain from the City Attorney's Office.

After listening to Sergeant Tennant, Dr. David Sanchez said on Page 4 of the Order, speaking of Commanding Officer of Personnel Division responsibility, "Shall insure, No. 3, in conjunction with the Department of Public Health and the Retirement Board, that an appropriate employee infectious disease exposure and treatment protocol is developed, and that Franciscan Treatment Room staff and other medical facility staff comply with the protocol", and then on the next page, item 4, "Shall conduct a survey of Department to identify those units that reflect multiple risk of infectious disease exposure and with the Police Physician shall inspect these units every 6 months to insure compliance". He said the only suggestion that he would like to share with the Commission and the Department is that he feels that the role of Police Physician or Police Surgeon which has been re-defined over the past two years in combination with members of the Department of Health, Dr. Werdegar, Dr. Reed, the Chairman of the Board and others that he would like to see perhaps, pertaining to item 3 that the Police Surgeon is inserted so it would read, "Shall direct the Police Surgeon in conjunction with the San Francisco Department of Public Health.....to insure compliance of the Protocol." He said as the Sergeant said the Protocol factor is critical in reference to compliance and validity and therefore he felt that the fact that Item 4 is requesting the Police Surgeon to conduct a mandatory compliance of facilities is even more significant than his being responsible as a Board Certified Physician to insure full compliance with the Protocol as it really addresses, and he said, he would just like to add that pertaining to this issue. He said he would also like to congratulate the Department for really moving ahead in finalizing a Protocol which makes sense both in reference to prevention, in reference to diagnosis and in reference to options for the officers, but, more importantly by utilizing some of the best knowledge available in reference to this disease which is life threatening for so many.

Dr. Tom Peters then addressed the Commission on the subject of the General Order. He said he was appearing also on behalf of Dr. David Werdegar the Health Director in the Health Department. He said first of all he wanted to say they were proud to have worked with Chief Jordan and his Staff in the Development of this Policy and Procedure.

He said he felt it is a real sign as to how Departments can work together and he and Dr. Werdegar are both extremely pleased and proud to have gone through this process. He said as the Commission has already heard and they can be confident that the Order and the training bulletin that the Commission has before it, is as Dr. Sanchez has stated, "State of the Art", to the best of their ability, to give the Commission in consulting with Chief Jordan. He said this Committee brought together experts in infectious disease both in their AIDS Office at the Hospital and at the University to review as they went along the various iterations of this Order so that they could inturn provide information to the Chief's Committee and insurance to this Commission that they have done their best to have this become a "State of the Art Policy and Procedure". He said it is a historical document for a police department to be considering a way they look at in not categorizing people but categorizing risk conditions. He said that point has been made and needs to be underscored. He said secondly, just as they have attempted to do and continue to do with their health care workers at the San Francisco General Hospital, the Order before the Commission is intended to give the SFPD Officers information, guidelines, procedures which are the keys to safety in this epidemic and the key to being able to perform as they have to do in the health care industry as other emergency workers do in carrying out their responsibilities to be able to continue to carry out their responsibilities that mean so much to the life and well being of the citizens of San Francisco but to do so with the maximum amount of information, support and procedures, guiding their decisions so that they can be at the least risk possible.

Mr. Matthew Coles of the ACLU said this is, he felt, the most intelligent and thoughtful policy on HIV testing that has come out of any law enforcement agency in the country. He said the SFPD has done a great job and he was very proud of it. He said it is not perfect but he was glad the Department decided to agree with the ACLU by not making it mandatory and glad they agreed to recommend anonymous counseling. He said they (ACLU) shared one of the concerns that Dr. Juanita Owens did in that it should be spelled out a little more clearly that the counseling is going to be toward the CDC recommended Protocols and he also wished the order recommended a little more clearly what people's various options are. He said, ~~but~~ even with those difficulties, he felt, like the earlier speakers, that this is the best thing going that it will set the lead for law enforcement agencies across the country; "It's a good policy", he said.

Commissioner Owens said she would make a motion that the Commission adopt General Order D-19. Commissioner Nelder said he would second that motion. The motion, thereafter, was unanimously approved.

RESOLUTION NO. 519-88

GENERAL ORDER D-19, "INFECTOUS DISEASE CONTROL PROCEDURES"

RESOLVED, that the Police Commission hereby approves new General Order D-19, "Infectious Disease Control Procedures".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 522-88

SENIOR ESCORT REQUEST TO REAPPROPRIATE $85,000 FROM PERMANENT SALARIES - MISCELLANEOUS ($65,000) AND MANDATORY FRINGE BENEFITS ($20,000) TO AUTOMOTIVE AND COMMUNICATION EQUIPMENT ACCOUNTS

RESOLVED, that the Police Commission hereby approves a supplemental appropriation request for Senior Escort amounting to $85,000 which will reappropriate $65,000 from Permanent Salaries - Miscellaneous and $20,000 from Mandatory Fringes Benefits to New Equipment ($25,000) and Replacement Equipment ($60,000).

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

The Commission then recessed and reconvened at 7:27 p.m. with Police Officer Alexa Raymer testifying. Police Officer Martha Ash ended the defense testimony and the Raymer Hearing ended at 8:27 p.m..

HEARING OF POLICE OFFICER LINDA J. FLANDERS, TECHNICAL SERVICES DIVISION, GENERAL OFFICE (CONTINUED FROM MEETING OF FEBRUARY 4, 1988)

The hearing of the disciplinary charges filed against Police Officer Linda J. Flanders, Technical Services Division, General Office, was called it having been continued from the meeting of February 4, 1988. Police Officer Linda J. Flanders was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Linda J. Flanders appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

The following witnesses appeared for the Defense, were sworn and testified:

Officer Linda Flanders, General Office
Mr. James Keefe, Clinical Psychologist, Corte Madera, CA
Criminalist Kenneth Dean Parker, Probe Scientific and Technical Investigations

The following exhibits were entered into evidence by the Defense:

Exhibit E Officer Flanders Urine Sample Test, 1/13/88, Probe Scientific and Technical Investigations

Exhibit F Two Documents, Probe Scientific and Technical Investigations Lab Results, 1/21/88

Exhibit G Graphic Lab Report indicating various quantitative and time level variations regarding urine sample of Officer Flanders

Closing statements were made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding a Guilty on Specification No. 1 and Not Guilty on Specification No. 2 and Specification No. 3.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Linda J. Flanders be terminated and if that is not accepted, that unannounced and random drug testing be conducted for a two-year period.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 520-88

DECISION - HEARING OF OFFICER LINDA J. FLANDERS, TECHNICAL SERVICES DIVISION, GENERAL OFFICE

WHEREAS, on January 3, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Linda J. Flanders as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Linda J. Flanders, Star No. 1730, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Technical Services Division - General Office. However, the accused was suspended on November 24, 1987;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules orders and procedures of the San Francisco Police Department;

(3) On or about November 24, 1987, based upon information from a confidential citizen informant, a Search Warrant was obtained for the residence of the accused, which is located in Corte Madera;

(4) Service of the Warrant revealed over 219 grams of marijuana in a dresser in the bedroom of the accused and a substantial amount of marijuana was discovered in a bag located in a hothouse in the back yard;

(5) The accused's roommate has used marijuana since about 1984 and the accused has been aware and has permitted her roommate to smoke marijuana in her bedroom, in her presence;

(6) The accused, by being aware and permitting her roommate to smoke marijuana in her bedroom in her presence and by having more than 219 grams of marijuana in the bedroom and a substantial amount of marijuana in a bag in the hothouse in the back yard of her residence, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, on January 15, 1988, Frank M. Jordan, Chief of Police, made and served additional charges against Police Officer Linda J. Flanders as follows:

SPECIFICATION NO. 2

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

(7) At all times herein mentioned, Linda J. Flanders, Star No. 1730, (hereinafter referred to as "the accused"), was and is a Police Officer, employed by the San Francisco Police Department. The accused is assigned to the Technical Services Division - General Office. However, on November 24, 1987, the accused was suspended;

(8) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(9) The allegations contained in Specification No. 1, paragraphs (1) through (6) of the charges filed against the accused with the Police Commission on or about December 3, 1987, are incorporated by reference as if fully set forth herein;

(10) On or about November 24, 1987, Sergeant Quin Jones of the Management Control Division, responded to the residence of the accused in Corte Madera;

(11) The accused was ordered to submit to a urinalysis. The toxicological report of the urine sample, provided by the accused on or about November 24, 1987, tested positive for cannabinoids. A subsequent test indicated that the accused's urine contained approximately 29 ng/ml carboxy-thc, which is the active ingredient of marijuana;

(12) The accused, by having carboxy-thc in her urine, which indicates the use of marijuana, has engaged in conduct which constitutes a violation of Section IV.C of General Order D-4 of the San Francisco Police Department, which states:

"A member shall not possess or use any substance, as defined under the California Uniform Controlled Substance Act at any time, whether on or off-duty, unless prescribed by a physician."

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

(13) The allegations contained in Specification No. 1, paragraphs (1) through (6) of the charges filed against the accused with the Police Commission on or about December 3, 1987, and the allegations contained in Specification No. 2, ~~para~~graphs (7) through (12), are incorporated by reference as if fully set forth herein;

(14) On or about December 2, 1987, at approximately 1325 hours, the accused was interviewed by Sergeant Jones of the Management Control Division. When questioned regarding whether she used marijuana, the accused denied that she used marijuana.

(15) The accused, by denying that she used marijuana was untruthful and/or evasive in response to a question asked by a superior officer, which constitutes a violation of Rule A-21 of General Order B-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of an afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 4, 1988 and Wednesday, February 24, 1988, and on Wednesday, February 24, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Officer Flanders are sustained, and allegations contained in Specification No. 2, violation of Section IV.C of General Order D-4 of the San Francisco Police Department, and Specification No. 3, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, are not sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1	[penalty]	Termination to be held in abeyance for two years, suspension of 90 calendars days with credit for time served and random testing

RESOLVED, that said suspen~~sion~~ totaling ninety (90) calendar days, with credit for time served, is to be imposed commencing Wednesday, November 25, 1987 at 0001 hours and ending Monday, February 22, 1988 at 2400 hours, and be it further

RESOLVED, that unannounced and random testing is to be conducted during the two year period, and any further violation of a similar nature shall be cause for termination.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

Recess taken during the hearing of Officer Linda J. Flanders:

10:26 p.m. to 10:48 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The Commission, after observing a moment of silence on behalf of the late Chief of Inspectors, Martin P. Lee, adjourned in his memory at 11:12 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4151M

Minutes

MARCH 2, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 2, 1988 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

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AYES: Commissioner Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 12, 1987

Minutes of the Meeting of November 12, 1987 were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 529-88

MARY PATTERSON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Mary Patterson in the sum of $1,000.00 entitled "Mary Patterson vs. City and County of San Francisco, et al" in Superior Court No. 842-194 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 28, 1984, July 29, 1984 and August 2, 1984

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 530-88

LAURIE JAFFE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laurie Jaffe in the sum of $439.82 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 531-88

GARY P. McDONOUGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary P. McDonough in the sum of $375.65 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 532-88

CALIFORNIA STATE AUTOMOBILE ASSOCIATION (A.K..MAKOVKIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Automobile Association (A.K. Makovkin) in the sum of $322.40 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 533-88

JAMES A. ROSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James A. Rosen in the sum of $240.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 534-88

CITY TOW (ZENO, JOSEPH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Zeno, Joseph) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 535-88

CITY TOW (PINOSKY, JEFFREY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Pinosky, Jeffrey) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 536-88

CITY TOW (MORALES, PEPE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Morales, Pepe) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 537-88

CITY TOW (WHITNEY, MARK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Whitney, Mark) in the sum of $130.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 538-88

CITY TOW (ALCANTAR, MAGDALENA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Alcantar, Magdalena) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 539-88

THELMA R. GREEN

RESOLVED, that the recommendation of the City Attorney for settlement of the ~~cl~~aim of Thelma R. Green in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 540-88

BOB CURRAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bob Curran in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 541-88

MICHAEL O'ROURKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael O'Rourke in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 542-88

GEE, DAVID

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gee, David in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 543-88

WINSTON A. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Winston A. Johnson in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 544-88

ANNE McBAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne McBay in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 545-88

HILL CARTER MASER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hill Carter Maser in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 546-88

PAUL MELLION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Mellion in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 547-88

CHARLES SPECTOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Spector in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 548-88

ZUUR, THEODORE ADRIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zuur, Theodore Adrian in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 549-88

KEN YUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ken Yuen in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 550-88

CITY TOW (MASON, MICHAEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Mason, Michael) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 551-88

OMAR K. WALTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Omar K. Walton in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 552-88

GWEN RODRIGUES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwen Rodrigues in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 553-88

DAVID PEREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Perez in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 554-88

PAULINE M. PEOPLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pauline M. Peoples in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 555-88

GEORGE R. OVERMAN III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George R. Overman III in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 556-88

RACHEL LAHN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rachel Lahn in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 557-88

DAVID KATZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Katz in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 558-88

ELYCE JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elyce Johnson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 559-88

ANNEMARIE FONTYN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Annemarie Fontyn in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 560-88

CARL H. ALLEN, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carl H. Allen, Jr. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 561-88

CITY TOW (JOHNATHON ROTH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Johnathon Roth) in the sum of $70.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission had no report tonight.

(a) Public Comments

Comments were made by a woman who said she was a charity worker for the Widows and Orphans in the San Francisco Police Department. She then read a petition into the record which stated:

"We the citizens of San Francisco consider it to be a dire emergency for our honorable police officers to have bullet resistant windows in their squad cars considering the dangerous nature of their work in these increasingly perilous times. We need their protection; therefore, it is also necessary that we support them in any way possible. They put their precious lives on the line everytime they venture out in their defective squad cars. Please, Mayor Agnos, we beg of you, give honor to whom honor is due. We beg."

After listening to further comments from her, Commissioner Giraudo thanked her and called for the next item.

CHIEF'S REPORT TO THE POLICE COMMISSION

Acting Chief John Jordan said there were no matters to report to the Commission tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer of the Office of Citizen Complaints said he was informed by Lieutenant Frazier that the District Attorney's Report has not yet been received by the Commission. He said he has subsequently had a conversation with the Assistant Secretary, Mr. Walker of the Civil Service Commission, who had scheduled a hearing for Monday, March 7, 1988, in regard to an OCC personnel matter. He said it is being removed from the calendar and will be kept off the calendar until the report is received. Then, he said, they will reschedule it.

Commissioner Giraudo said he regrets that Mr. Langer had to say that and that he did not know what to do to get the report out from the District Attorney's Office. He said multiple calls have been made from the Commission, from himself, by the Secretary of the Police Commission, and we have been promised the report as late as last Thursday, when they said they would have it in the Commission Office. He said the Commission does not have any power over Mr. Arlo Smith, and it is his understanding that the Mayor's Office is going to make a request that the D.A. expedite it, as it should have been expedited four or five months ago.

Mr. John Crew, ACLU, said that he called the D.A. personally this afternoon and the D.A. is out of town today, but spoke to his Chief Deputy Mr. Podesta, who did not even know what this investigation was about. He said Mr. Podesta promised he would look into it and get back to him. He said Mr. Podesta did not get back to him. He said he did not understand what the delay was but he felt it was absolutely inexcusable for the District Attorney to put up this barrier to the progress of the OCC. Commissioner Giraudo said he would also call Mr. Podesta tomorrow.

Mr. Langer said Mr. Silva is now passing out to the Commission a proposed OCC Order P-4, which he would like the Commission to schedule for Public Hearing at next week's meeting. Commissioner Giraudo then advised that it would be calendared at that time.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER D-7, "BOOKING PROCEDURES"

Deputy Chief Casey said this Order is one that updates the current one by including Penal Code Section 4030 which provides regulations for Strip Searching Procedures. He said everything else in the Order remains the same. Commissioner Nelder said he read this over and he felt that everything is very much in order. He said he would move for approval. Commissioner Owens seconded and it was unanimously approved.

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR ~~THE~~ OPERATION OF LIMOUSINES

Sergeant Gary Manini of the Taxi Cab Detail addressed the Commission on this item. He said he has sent written notification to the last address of record of the applicants and the meeting was advertised in a newspaper of general circulation. He said his office has not received any correspondence either supporting or denying the issuance of more Public Convenience and Necessity, and to his knowledge nothing has been received by the Commission. He then asked if anyone present would like to testify regarding Public Convenience and Necessity for the issuance of additional limousine permits. As there was no response, he then advised that the burden of proving PC&N rests with the applicants, and since no one has come forth to

testify and the Department or the Commission has received no written testimony, the Permit Section finds that PC&N for Limousines is being met and recommends that no further permits be granted at this time. Commissioner Nelder said he would make a motion for denial of additional permits, seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 525-88

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINES - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a limousine in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Wednesday, March 2, 1988; and

WHEREAS, none of the below-named applicants appeared or sent representatives on their behalf, and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public, and

WHEREAS, it is the decision of the Commission to deny additional limousine permits; therefore be it

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

REID, James L.	FILOUS, Nino
HENKE, Milton W. Jr.	BIRADELLI, Geatano
PHILLIPS, Charles E.	FILOUS, Joe
PEARCE, Charles W.	UZIEL, Eli
ANZAI, Masayoshi	STREGER, Ivan
FRAYDOUNI, Nasser	BAKIR, Mohammad B.
WEBB, John E.	

and be it further

RESOLVED, that those applicants who show proof of State PUC licenses may, after examination by the San Francisco Police Department Permit Section, be issued limousine licenses if they so qualify pursuant to Police Department requirements.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUSES

Sergeant Manini also appeared before the Commission on this item and said again it is a regularly scheduled PC&N Hearing and the same

provisions were carried out as was done for the Limousines. He said, so far, he has received only one letter in support of issuance of PC&N Permits for additional sightseeing buses from Mr. Hugh Buttery who is present here tonight to testify.

Mr. Hugh Buttery, in addressing the Commission, said that he applied for the permit approximately four years ago. He said one of the reasons he wanted the permit is because at present his insurance is so high that a permit from the City would help him reduce the cost. He said he is almost ready to go out of his current business because of this expense. He said a permit, if issued to him, would in some way help him even with parking, and he would certainly appreciate it. He said as a point of clarification, he currently operated a sightseeing van with a State Public Utilities Permit. He said he would hope that the Commission would issue a City permit to him.

Sergeant Manini said based on the fact that he had received only one letter of support for additional permits for Sightseeing Buses and the Commission has received none, he said it is the Permit Section's recommendation that no new permit be issued for Sightseeing Buses as PC&N for those permits are being met.

Commissioner Nelder said he would make a motion that Sightseeing Bus Permits be denied. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 526-88

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUSES - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a sightseeing bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Wednesday, March 2, 1988; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public, and

WHEREAS, it is the decision of the Commission to deny additional sightseeing bus permits; therefore be it

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

PRIVETT, Roy L.
CLUTTON, Robert
FELSO, Dennis P.
GRIDLEY, Arnold S.
EICHLER, Thomas E.
COLLINS, Thomas J.
SHARABI, Ariel A.
BUTTERY Hugh C.
CALVO, Tony M.
DALPE, Guy R.
JUNG, Edmund

and be it further

RESOLVED, that those applicants who show proof of State PUC licenses may, after examination by the San Francisco Police Department Permit Section, be issued sightseeing bus licenses if they so qualify pursuant to Police Department requirements.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

HEARING ON APPLICATION FOR ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB

Sergeant Manini said this matter has to do with a permit holder dying and his medallion being returned to the City. He said it is now available to be issued to the next qualified applicant on the taxicab list. He said the medallion is No. 264 belonging to Mr. John Nyhan. He said in accordance with the Commission's criteria, Mr. John Tsakonakis is the next applicant and has completed all the necessary forms. He said the Department recommends approval if Mr. Tsakonakis meets PC&N criteria and successfully answers the questions. Mr. Tsakonakis then came forth and presented testimony to the Commission in support of his application to receive this taxicab medallion.

Commissioner Nelder, after asking and receiving appropriate answers to his questions from Mr. Tsakonakis, made a motion to approve the issuance of this permit to him. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 527-88

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO JOHN TSAKONAKIS

WHEREAS, John Tsakonakis appeared at a Public Convenience and Necessity hearing held on Wednesday, March 2, 1988; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, March 2, 1988, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that John Tsakonakis appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall

be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John Tsakonakis.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

HEARING ON DISCIPLINARY CHARGES FILED AGAINST PROBATIONARY POLICE OFFICER JAMES LEWIS, POTRERO STATION

The hearing of the disciplinary charges filed against Probationary Police Officer James Lewis, Potrero Station, was called it having been set for this date. Probationary Police Officer James Lewis was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Probationary Police Officer James Lewis appeared in person and was represented by Mr. Earl J. Disselhorst, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Earl J. Disselhorst for the Defense.

The following witnesses appeared for the Prosecution, were sworn and testified:

Officer Adele Roberts, Psychiatric Unit
Sergeant Michael Geraldi, Management Control Division

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Overtime card and Subpoena, 4/28/88 - rejected

Exhibit #2 Overtime card and Subpoena, 4/30/88 - rejected

Exhibit #3 Court Case Docket, AM 1-5, 4/27/88

Exhibit #4 Court Case Docket, AM 1-5, 4/28/88

Exhibit #5 Court Case Docket, AM 1-4, 4/29/88

Exhibit #6 Court Case Docket, AM 1-3, 4/30/88

Exhibit #7 Court Case Docket AM 1-3, 5/1/87

Exhibit #8 General Order N-3

Exhibit #9 One Document titled "O.T. Cards for Appearances"

The following witnesses appeared for the Defense, were sworn and testified:

Mr. A. L. Gianinni, Assistant District Attorney, Head of Vice Crimes
Mr. Hugh A. Donohue, Assistant District Attorney
Lieutenant John Richardson, Commanding Officer, Housing
Sergeant Kitt E. Crenshaw, Golden Gate, N.E.T. Narcotics
Officer Stephen P. Bosshard, Potrero Station
Officer James Lewis, Potrero Station

The following exhibits (retained by Defense Attorney) were entered into evidence by the Defense:

Exhibit A Overtime and Watch Reports of Officer Lewis from 5/1/87 - 2/19/88

Exhibit B Request Sheet for Personnel or Payroll Information, 2/26/88

Exhibit C District Attorney's Subpoena, Case #118053 for 2/29/88

Exhibit D District Attorney's Subpoena, Case #118053 for 3/9/88

Exhibit E 1988 Appointment Calendar, Jan. 1 - March 2, 1988

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

—

RESOLUTION NO. 528-88

DECISION - HEARING OF PROBATIONARY POLICE OFFICER JAMES LEWIS, POTRERO STATION

WHEREAS, on July 31, 1987, Frank M. Jordan, Chief of Police, made and served charges against Probationary Police Officer James Lewis as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, James Lewis, Star No. 1023, (hereinafter referred to as "the accused") and is a probationary Police Officer employed by the San Francisco Police Department and is assigned to the Golden Gate Division - Potrero Station;

(2) As a probationary Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about March 1, 1987, the accused was subpoenaed to appear in court from April 27, 1987 through May 1, 1987, to testify in a criminal matter;

(4) On or about April 23, 1987, the defendant in the matter the accused was required to appear in court to testify against, pled guilty. However, the District Attorney's Office failed to notify the accused that the matter had been completed;

(5) On or about April 27, 1987, the accused and other subpoenaed officers appeared in court as required, and were notified that the matter had been disposed of as a result of the defendant pleading guilty on April 23, 1987;

(6) On or about April 27, 1987, the accused signed the Court Sign-In Sheet for April 27, 1987, indicating he had appeared in Court as required. The accused also submitted an authorized Compensation Request Card requesting overtime pay for the period of time he was in Court.

(7) On or about April 28, 1987, the accused signed the Court Sign-In sheet for April 28, 1987, indicating he was in Court from 0900 hours until 1200 hours, pursuant to the subpoena he had received on or about March 1, 1987. The accused also submitted a Compensation Request Card requesting overtime pay for this period of time. The accused also attached to the Compensation Request Card, a photocopy of the subpoena he received on or about March 1, 1987;

(8) On or about April 30, 1987, the accused signed the Court Sign-In Sheet for April 30, 1987, indicating he was in Court from 0900 hours until 1200 hours, pursuant to the subpoena he had received on or about March 1, 1987. The accused also submitted a Compensation Request Card requesting overtime pay for this period of time. The accused also attached to the Compensation Request Card a photocopy of the subpoena he received on or about March 1, 1987;

(9) On or about April 23, 1987, the defendant in the matter the accused was subpoenaed to appear in Court from April 27, 1987 through May 1, 1987, pled guilty. There were no further proceedings after April 23, 1987, regarding this matter;

(10) The accused, by signing the Court Sign-In Sheet on April 28, 1987 and April 30, 1987, which falsely indicated he was in Court during the morning hours pursuant to a subpoena he received on or about March 1, 1987, and by submitting Compensation Request Cards for April 28, 1987 and April 30, 1987, after learning that the matter he was supposed to appear in Court for had been disposed of on April 23, 1987, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

(11) The allegations contained in paragraphs (1) through (10) of Specification No. 1, are hereby incorporated by reference as if fully set forth herein;

(12) On or about May 28, 1987, the accused was interviewed by the Management Control Division;

(13) During the interview, the accused, when questioned regarding his submission of false Compensation Request Cards on April 28, 1987 and April 30, 1987, informed the interviewer that he had appeared in Court on April 28, 1987 and April 30, 1987, and had testified in some other cases;

(14) Department records fails to indicate that the accused was subpoenaed to testify in Court on April 28, 1987 or April 30, 1987. Department records also fail to establish that the accused testified in Court on April 28, 1987 or April 30, 1987;

(15) The accused, in responding to the Management Control Division investigator on May 28, 1987, was untruthful and/or evasive in answering the questions asked by a superior officer, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 2, 1988, and on Wednesday, March 2, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said charges made and filed against Probationary Police Officer James Lewis, Potrero Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Probationary Police Officer James Lewis has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that is the order of the Police Commission that said charges contained in Specification No. 1, violation of Rule A-9 of General Order D-1, and Specification No. 2, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

Recesses taken during the hearing of Officer James Lewis:

7:32 p.m. to 7:45 p.m.
9:38 p.m. to 9:48 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was adjourned thereafter at 9:50 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/fs

W/4127M

Minutes

MARCH 9, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, March 9, 1988 at 1715 hours in Closed Session.

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Commissioner Giraudo presiding.

1. Personnel Matter

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

MARCH 9, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 9, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo said the Commission met this afternoon in Closed Session and no vote was taken.

(a) PUBLIC COMMENTS

Mr. Leo Wilcox said he was representing the District H Improvement Alliance and he would like to request, he said, or plead that they be allowed to keep their Ingleside Station Personnel in tact as he had heard that there maybe a transfer of some of the officers from that station. He said those officers are aware of all of the criminal elements in the District such as dope pushers, dealers and Chop Shops in the neighborhood. He said the officers are doing a very good job of cleaning up the neighborhood. He said those officers have set up neighborhood groups who have grown and continue to grow and meet once a month. He said they are working now on cleaning out the graffiti. He said he conceived his organization's function as being the eyes and ears of the San Francisco Police Department. He said if they observe abandoned cars, Chop Shops, drug dealing or any of the various crimes that occur they have a number to call and receive immediate response from the Ingleside Police Department. He said other neighborhood organizations or meeting with their organization to see just how it works and it is hoped that what successes their programs will help enjoy the other organizations also.

Commissioner Giraudo thanked Mr. Wilcox and said there are a lot of rumors about changes and transfers in the Department and it is his understanding that there is nothing as of this time fully decided or cast in stone for Ingleside Station. He said he would also like to thank Mr. Wilcox for coming forward and complimenting the efforts that are made by Ingleside Station.

Commissioner Giraudo continued by saying he had just went on a ride along through that area and experienced a number of incidences of arrest with respect to drug dealing, and he said, he also concurred with Mr. Wilcox that the officers in that District are doing an excellent job.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had two items to report and one was just to alert the Commission that he has had two meetings since the last Commission Meeting in the Mayor's Office with other Department heads over the issue of the Budget and the realities of the $172 million dollar deficit is certainly there as reported by the news media. He said some areas spoken of to attack or alleviate it are, salary freezes, short work week and lay offs, and he stated that all Departments are going to be feeling some pain in this Budget crunch so it will be some equality spread across the board. He said his first meeting with the Mayor's Office Personnel, specifically on the Budget, will be around the 15th of March. He said the second matter he wanted to report is just a quick update on the meeting of the National Association of Building and Contractors. He said these are all non-union contractors and builders and the Department has had to deal with about 4,000 Union Construction Contractors who demonstrated and on the first day, Monday, numerous eggs were thrown and 150 Police Officers had to be used, not only from the Tactical Unit, but from all nine District Stations to set up barricades and maintain some semblance of order. He said about twenty-five (25) people were arrested or cited because of that incident. He said there again the Department was caught between two feuding parties but was able to maintain its neutrality.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, OCC Director, said he had just received a copy of the District Attorney's Investigation.

Commissioner Giraudo said that the Commission has just received it also and he would like to comment on it. He said first of all, he would publicly give the conclusion of the investigation. He then read it as follows: "It is the conclusion that many issues not involving criminal violations have been raised as a result of this investigation of Mr. Lutes' accusations regarding criminality are vague and broad and do not provide sufficient evidence to form the basis of an investigation. In most cases they address personality clashes, staff dissension and operational problems with the OCC. However, pursuant to the broad discretionary authority vested in the Director of OCC by the Police Commission the misconduct as alleged by Steven Lutes, fraudulent overtime and compensatory time claims and the personal use of OCC vehicles by employees, appears to have been properly authorized and therefore is not a criminal violation".

Commissioner Giraudo then said therefore, the Commission has a conclusion from the District Attorney that pursuant to the Commission's Request that an investigation be conducted in respect to the allegations of criminality. The Commission has the conclusion that there was no criminality and that actions complained of were within the scope of or discretionary authority of the then Director of the OCC. He said, but there is one thing he would like to comment on in the report as it states that, "On January 22nd 1988, Sergeant William Hardeman contacted the Honorable Louis Giraudo to advise him of the status of the Investigation and to advise him of other allegations against OCC Investigators possible and improper involvement in defense of criminal suspects on trial, and information of possible misconduct by OCC Investigators, developed as a result of the investigation. During this conversation, Sergeant Hardeman was instructed by the Honorable Louis Giraudo to withdraw from the investigation as a result of this investigation, Sergeant Hardeman wrote a memorandum requested that he be relieved of his duties". Commissioner Giraudo then said he would like to correct that. He said he did not tell the Sergeant to withdraw from the investigation. He said he told him that this Commission requested an investigation of accusations with respect to criminality and that the scope of that request was rather limited and Sergeant Hardeman explained to the Commissioner that they had discovered other things that they wanted to go into and investigate and that's why this investigation, conclusion, recommendation was not forthcoming. He said, he again said to Sergeant Hardeman that he wanted it brought to a close based upon what this Commission had asked for and that the Commission under any circumstances did not want Management Control investigating the Office of Citizen Complaints with anything other than the aid they were supposed to be giving to the District Attorney's Office with respect to the charges of criminality, but at no time did he tell him, he said, to withdraw from the investigation. He said he simply instructed him that as far as he (Comm. Giraudo) was concerned that if they had reached conclusions with respect to those allegations that the investigation was complete. He said he then went to the District Attorney and asked for this recommendation and this report. He said but he wanted to correct this as it is here in writing that he ordered someone in the police department to withdraw from an investigation and that is not within the scope of his authority. He said he would not do so as he would have gone to the Chief or a Deputy Chief to have that done. He said so, Mr. Langer is free to go forward with his previously scheduled disciplinary matter with Civil Service.

RESOLUTION NO. 562-88

OFFICE OF CITIZEN COMPLAINTS ORDER P-4, "INVESTIGATION CRITIQUE FORM"

RESOLVED, that the Police Commission hereby approves Office of Citizen Complaints Order P-4, "Investigation Critique Form".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON PROPOSED AMENDMENTS TO DEPARTMENT GENERAL ORDER D-17, "DISCRIMINATION AND SEXUAL HARASSMENT"

Mr. James Wheaton introduced himself to the Commission and said that he was with Public Advocates, a law firm. He said in January, the Commission elevated a Special Order to a General Order D-17, dealing with the issue of Sexual Harassment and Discrimination against minorities, women and other protected members on the Department. He said at that time the Commission also appointed Commissioner Owens as a Committee of One to meet with members of the Community, women officers and others to propose strengthening amendments.

He said they now have before the Commission a proposal for a long and a short term strategy for addressing these issues in the Department. He said, also, an agreement has been reached with the SFPOA, and they are in accord with the suggested amendments.

Ms. Paula Lichtenberg of NOW then came forth and said she and the others believe that the SFPD has failed in its obligation to include women as respected members of the Department. She said the Department prides itself that only three (3) sexual harassment complaints were filed under the Special Order but a significantly larger number of incidents have been brought to their attention. She then gave examples of different types of behavior that are, as she says, annoying, sexist, juvenile and even unlawful but are not life threatening. She then gave examples of life threatening incidents, such as women officers having their radio transmissions stepped on, interfered with and ignored. She said even in emergency situations some women have not been provided the backup assistance when requested, safety equipment has been tampered with, bullets have been removed from women officers guns without their knowledge and they have had to return to the streets not knowing that their guns were unloaded. She continued by saying that some have been threatened at gunpoint and still others have been beaten and assaulted by male officers. She said in the overwhelming majority of these cases women have chosen not to report the incidents as they have seen how the Department treats women who come forward.

Mr. Wheaton then stated that they know that these are not new concerns for this Commission as women have been in the Department for almost 11 years now and yet there are still those officers in the Department who have un-reconstructed attitudes. He said the goal of everyone, this Commission, the Administration, the SFPOA as well as Public Advocates, the Officers for Justice, and the others they represent, is to eradicate that kind of attitude and to eliminate that kind of behaviour. He said they believe that this plan they have now before the Commission for immediate remedial and long term action will go along way to address the problem. He said before asking for comments from others who have come here to speak tonight he said, he wanted to thank Commissioner Owens for the leadership that she has provided in helping all the parties come together in this. He said without that leadership he is not sure if they would be able to stand as unified as they are today. He then called upon the following persons to speak on behalf of the proposed amendments: Ms. Isabelle Huie, Commission on the Status of Women, Professor Nathaniel Trives, Federal Auditor/Monitor of the Consent Decree and Mr. John Crew, ACLU.

Thereafter, Commissioner Owens asked Deputy Chief Casey if he had any recommendations in relation to the long term proposals as submitted for General Order D-17. Chief Casey said on page 9, there is reference to creation of a Review Board, Mandatory Sensitivity Training and on the next page Data Collection re-drafting of General Order D-17. He said taking the last thing first, the Department is definitely in agreement that a re-drafting of General Order D-17 is in order. He said he believed that they should do much the same as they did with the AIDS General Order. He said, Data Collection, again the Department has no problem with this, the Mandatory Sensitivity Training, again no problem. He then said the creation of a Review Board, in his opinion would be a bit cumbersome.

Commissioner Owens said that she was hoping that a committee could be formed to address that and that committee would be made up of individuals who participated in the Committee of One meeting that they had held and then they could address those long term goals and bring them before the Commission. She said she would also like to thank all those who participated at the meeting with her, ACLU, NOW, Commission on the Status of Women and the Officers who were in attendance who gave and cited examples of Discrimination and Sexual Harassment within the Department. She said she wanted to assure all that the Department will not tolerate this kind of activity and/or behavior. She said she would make a motion that the Commission approve and adopt the recommended amendments, Short Term and all amendments to the Long Term proposals with the exception of Step 2. This was seconded by Commissioner Sanchez and unanimously approved for adoption.

Commissioner Sanchez then commented that he would like to thank everyone, and specifically Dr. Juanita Owens who spent a great deal of time with Chief, Staff and the Organizations. He said knowledge of institutional racism and sexual harassment has to be on-going part of the educational process of the institution itself. He said what everyone here has done is reinforce that and now what has been adopted as a Police Commission Policy with mechanisms to ensure that this on-going dialogue will in fact look at the totality of racism, discrimination and sexual harassment that can't be factored out as one group or the other but it is, he said, in the quality of training and management of law enforcement personnel which means there must be an on going process to ensure that there is accountability in all of these areas which with this document has now come to fruition.

Commissioner Giraudo said he would also like to commend all and thank all for the efforts that were put forward. He said he did not think that the piece of paper and the words that are on the piece of paper are going to suffice or do the job that needs to be done. He said what needs to be done is that the Police Officers, Sergeants, Lieutenants and Captains of this Police Department read it and understand it and live it because if they don't there is no solution and there is nothing to be congratulated for or to be grateful for. He said the era of the locker room has to be gone and the Department has to be more professional in its outlook and its approach in being Police Officers in

the City and County of San Francisco. He said he knows that it has been difficult for Officers, Minority Officers, Female Officers to come forward in the past and he knows that it will be equally as difficult to come forward in the future, regardless of the new General Order because of the paranoias and the fears that in some instances are very justified and in some instances maybe not so, but, in any respect he would encourage all officers, be they minorities or not, to become intolerant of discrimination and harassment and not to be afraid to come forward and to suffer the consequences of coming forward because if it is not done and nobody does it, then this piece of paper is worthless. He said he will say as long as he sits on the Commission he will support this General Order and he will support anybody who has legitimate complaints about discrimination or harassment, but it takes a brave person to come forward and the Commission understands that, and it takes good Sergeants, Lieutenants, Captains and Deputy Chiefs to enforce and implement this kind of an order. He said so what has been done to date is commendable but what is done in the future is what's going to count.

RESOLUTION NO. 563-88

AMENDMENT TO GENERAL ORDER D-17, "DISCRIMINATION AND SEXUAL HARASSMENT"

RESOLVED, that the Police Commission hereby approves the amendment to General Order D-17, "Discrimination and Sexual Harassment" as per attachment, except for the setion on "Step 2: Creation of a Review Board" on page 9; and be further

RESOLVED, that creation of a Review Board will be held in abeyance for subsequent review and possible approval.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER RONALD HOLLINS, SOUTHERN STATION AND OFFICER JAMES D. JONES, SOUTHERN STATION

Commissioner Giraudo read into the record the Writ to the Commission from Judge Lucy McCabe. In response, Mr. Clifton Jeffers, Attorney for the Officers, said he felt that what Commissioner Giraudo read, and this is his interpretation of the Writ: "It reflects, one, that the Commission is commanded to set aside its decision, and then you can stop reading there. That's the first action. And you may elect to do nothing else. But you may also elect as you have read and pointed out, Commissioner Giraudo, to reconsider the record and if you choose to reconsider the record, then you open the proceedings and accord the Officers an opportunity to examine the Chief. With respect to responding to the Court, I don't read the Writ as saying that you must do anything prior to March 21, 1988, other than make the decision that we are talking about. You simply advise the court what you are going to do that is to set it aside and let it remain aside, or proceed to reconsider. Now we could hold the Hearing, I mean if you choose to reconsider and re-open the matter, it just then, as I see it, becomes a question of scheduling which may well be beyond the 21st of March."

Commissioner Giraudo then said, "But the singular purpose of a re-hearing would not be to hear evidence other than the Chief of Police."

Mr. Jeffers: "Oh, I understand that, I understand that. Sure."

Commissioner Giraudo: "Then from my perspective and from what I have read it would be my thinking that we should, this evening vote to set aside, and it would be my opinion that we also vote to reconsider the record and to determine, after testimony from the Chief of Police, whether or not we want to affirm, modify, or overturn the decision of the Commission. Do you concur with that Mr. Gash?"

Mr. Michael Gash, Attorney for the Police Department: "Yes, I do."

Commissioner Giraudo: "A motion then that would be appropriate would be, one, to set aside the decision, and then to schedule a Hearing for the purposes of Chief of Police Frank Jordan's testimony and then for the Commission to either affirm, modify or overturn his previous decision."

Commissioner said he would make that motion. Commissioner Owens seconded and it was unanimously approved. The Commission then set the matter for March 16, 1988 at 5:30 p.m.

Mr. Jeffers said if the Commission is setting this for the 16th of March, then he has a serious scheduling problem as he does not have any available time for this matter prior to the 21st as this is already the 9th and that really leaves only next week to deal with it.

Commissioner Giraudo then advised that since Mr. Jeffers was the petitioner maybe he would be able to get Judge Lucy McCabe to give the Commission an extension of a week or two.

Mr. Jeffers said he was willing to do that. He said first of all, he would seek Judge McCabe's clarification as to whether or not she interprets the return in the same manner as the Commission does and if she does, then he would seek an extension of time.

Mr. Gash said then, he would suggest that the Commission set the date for March 16th and if Mr. Jeffers contacts Judge McCabe and finds that the interpretation is different than the Commission's or if he request an extension of time then, he should do so before March 16th. Commissioner Giraudo said he felt that could easily be done. Mr. Jeffers agreed. Commissioner Giraudo then advised him that the Commission would set it for March 16th.

RESOLUTION NO. 564-88

HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER RONALD HOLLINS, SOUTHERN STATION

WHEREAS, the date for the hearing to reconsider the record in decision to sustain Chief's suspension imposed on Police Officer Ronald Hollins, Southern Station, was called it having been scheduled for this date; and

WHEREAS, the President of the Police Commission, Louis J. Giraudo, entertained a motion from Commissioner David J. Sanchez, Jr. to set aside the decision and then schedule a hearing for the purpose of testimony of Chief of Police Frank M. Jordan and subsequently either affirm, modify or overturn the Chief's previous decision; therefore be it

RESOLVED, that the hearing to reconsider the record in decision to sustain the Chief's suspension imposed on Officer Ronald Hollins on motion by Commissioner Sanchez, seconded by Commissioner Owens, was unanimously approved and set for March 16, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 565-88

HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER JAMES D. JONES, SOUTHERN STATION

WHEREAS, the date for the hearing to reconsider the record in decision to sustain Chief's suspension imposed on Police Officer James D. Jones, Southern Station, was called it having been scheduled for this date; and

WHEREAS, the President of the Police Commission, Louis J. Giraudo, entertained a motion from Commissioner David J. Sanchez, Jr. to set aside the decision and then schedule a hearing for the purpose of testimony of Chief of Police Frank M. Jordan and subsequently either affirm, modify or overturn the Chief's previous decision; therefore be it

RESOLVED, that the hearing to reconsider the record in decision to sustain the Chief's suspension imposed on Officer James D. Jones on motion by Commissioner Sanchez, seconded by Commissioner Owens, was unanimously approved and set for March 16, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

The meeting, thereafter, was adjourned at 7:15 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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MARCH 16, 1988 = Minutes CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, March 16, 1988 at 5:15 p.m. in Closed Session.

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Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners, Giraudo, Nelder, Owens, Sanchez

MARCH 16, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 16, 1988 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

APPROVAL OF MINUTES OF MEETING OF DECEMBER 3, 1987

Minutes of the meeting of December 3, 1987 were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 566-88

RONALD DIECKMANN vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Ronald Dieckmann entitled "Ronald Dieckmann vs. CCSF" in the amount of $2,500.00 in Superior Court No. 867-984 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 24, 1985

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 567-88

BAZJANAC vs. CCSF

RESOLVED, that the judgment made by the City Attorney for the litigation of Bazjanac vs. City and County of San Francisco in Small Claims Court No. 472-636 in the sum of $477.33 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 568-88

CITY TOW (COX, VON M.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Cox, Von M.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 569-88

CITY TOW (NABUNG, JIMMY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Nabung, Jimmy) in the sum of $135.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 570-88

ERNEST SATOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest Satow in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met this evening in Executive Session on personnel matters and no vote was taken.

(a) Public Comments

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had one item tonight that he would like to pursue because part of it is affecting the reorganization of the San Francisco Police Department which the Commission will have to hopefully place on its calendar for next week. He said he would just like to bring the Commission up-to-date on some of the issues they are speaking of right now. He then gave a brief overview of the Plan. He said in some areas there would have to be meet-and-confer discussions with the San Francisco Police Officers' Association as it affects working conditions. The Chief continued by saying that they have been putting a great deal of time and effort into

this, and at this point they feel that this will give the Department an infusion of a number of young energetic and creative captains to complement the number of long standing professional career captains. He said there will also be a Staff Inspection Unit which will be directly under his control reporting directly to the Chief.

Commissioner Sanchez said he felt this was an excellent plan and he would make a motion to calendar it for both public hearing and for vote next week on the Commission Calendar. Commissioner Owens seconded and it was unanimously approved.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, Director of OCC, said they had no items or issues to discuss or report to the Commission tonight.

REQUEST OF THE CHIEF OF POLICE FOR THE IMMEDIATE FILLING OF VACATED POSITION 0400 DEPUTY CHIEF, Q80 CAPTAIN, AND 0488 COMMANDER

Deputy Chief Casey advised the Commission that this matter was the second part of the subject the Chief has just addressed the Commission about in his report. He said the Department did have a Deputy Chief, a Commander and a Captain all in recent weeks who retired. He said in order to fill these positions, the Department must go before the Board of Supervisors with the Commission's Resolution of Approval. Commissioner Nelder said he would make a motion for approval. Commissioner Sanchez seconded and it was unanimously approved.

RESOLUTION NO. 571-88

REQUEST OF THE CHIEF OF POLICE FOR IMMEDIATE FILLING OF VACATED POSITIONS

WHEREAS, one 0400 Deputy Chief, one 0488 Commander, and one Q80 Captain have retired from the San Francisco Police Department, and

WHEREAS, these retirements leave a severe gap in the upper management of the San Francisco Police Department, and

WHEREAS, to fill these positions before the accumulated sick leave and vacation time are paid requires a resolution of the Board of Supervisors, and

WHEREAS, this procedure is authorized by the Annual Appropriation Ordinance, Section 10, Subsection 1, and

WHEREAS, there are sufficient funds appropriated to cover the cost of this procedure; therefore, be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the General Manager, Personnel of Civil Service, recommend to the Board of Supervisors the adoption of the attached three resolutions and, be it further

RESOLVED, that the Police Commission requests that the Board of Supervisors adopt the attached threee resolutions authorizing the immediate filling of vacancies in the positions of 0400 Deputy Chief, 0488 Commander, and Q80 Captain.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER D-4, "ALCOHOL USE BY MEMBERS"

Lieutenant Tom Murphy from the Personnel Division addressed the Commission on this item. He said General Order D-4 has been revised and as in the copy before the Commission, all reference to drug use or drug abuse by members have been removed and included in General Order D-18 which the Commission will also rule on tonight. He said the goal of the revision of D-4 is to provide an early identification and treatment of members who get involved in all of the various alcoholic situations. He said the procedures are generally the same in the new order as they were in the old order with some exceptions. He then went through the exceptions. After listening to the Lieutenant's presentation, Commissioner Nelder said he would move for approval. Commissioner Owens seconded and it was unanimously approved for adoption.

RESOLUTION NO. 572-88

REVISED DEPARTMENT GENERAL ORDER D-4, "ALCOHOL USE BY MEMBERS"

RESOLVED, that the Police Commission hereby approves the revision of Department General Order D-4, "Alcohol Use by Members".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

PUBLIC HEARING ON PROPOSED DEPARTMENT GENERAL ORDER D-18, "USE OF DRUGS BY SWORN OFFICERS"

Deputy Chief Casey reminded the Commissioners that this Order was before them a few months ago and at the Commission's request, it was sent to the City Attorney's Office. He said they reviewed it and came up with what they perceived to be language difficulties. He said the Department renewed the meet-and confer process with the San Francisco Police Officers' Association, brought the order into concurrence with the points brought out by the City Attorney, and it is now before the Commission. He said the purpose of the Order is to make clear that drug use will not be tolerated in this Department. He said it outlines the investigative steps that will be taken by the Management Control Division if there is a suspicion of drug use. He said it determines the policy on drug testing, when test will be given, and sets presumptive levels of drug use to determine whether or not a person has in fact used illegal drugs. He said in short, officers who manifest symptoms of drug use will be tested, and if the evidence proves illegal drug use to be a fact, they will be terminated from the Department. He said as everyone knows, this is a relatively new field that

the Department has entered into and there has been problems primarily because of the small levels that are being dealt with. He said it has been discovered that in our society cocaine is everywhere, and it is a possibility that it may enter your system in small amounts and police officers are especially susceptible to this when they arrest people who are users. He said the passive smoke from marijuana use also gets into the system and so that Department has decided that if low levels of either cocaine or marijuana is detected in a person's system, they may fall into what could be called a gray area, i.e. where yes, it is in the officer's system but, it is such a small quantity that it might have been innocently ingested. But to make sure, he said, that this is the case, the Order contains a provision that a person will be placed on a mandatory drug testing program for a two-year period to assure that this was, in fact, an innocent ingestion of these drugs and not intentional use. He said this was the Order prepared using these two drugs because they are the prevalent drugs that officers come in contact with during the performance of their duties.

Mr. Bob Barry, President of the San Francisco Police Officers' Association, said he had a few brief comments in this drug order that started to be negotiated in March 3, 1987, and that's the only General Order in history that he can recall that took so long. He said, however, the topic really needed to be looked at extensively and the SFPOA did not want to bring an order to the Commission that wasn't right for the officers and for the public they were serving. He said the SFPOA does not condone the use of drugs by any police officer, and if an officer does test positive within the nanogram levels specified in the Order, then that is evidence of drug use and they are subject to termination. He said the SFPOA feels that the protections that they have built into the Order are adequate for the officers rights and are certainly adequate for the protection of the public as well. He said on behalf of the SFPOA and its members, he would urge the Commission to adopt this Order.

Commissioner Sanchez said he would move for approval. Commissioner Owens said she would second and it was unanimously approved for adoption.

RESOLUTION NO. 573-88

DEPARTMENT GENERAL ORDER D-18, "USE OF DRUGS BY SWORN OFFICERS"

RESOLVED, that the Police Commission hereby approves Department General Order D-18, "Use of Drugs by Sworn Officers".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 574-88

STATUS REPORT ON PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, the status report of Patrol Special Officer Albert L. Robles, Central Police District, was called it having been set for this date; and

WHEREAS, Mr. John Prentice, Attorney at Law representing Patrol Special Officer Robles, presented documentation showing that Officer Robles had complied with the Police Commission's resolution to the extent that all but five of the clients of Officer Robles had been notified and assured the Commission that notification was being made to them immediately; therefore be it

RESOLVED, based on the above presentation, a motion was made by Commissioner Nelder acknowledging that Officer Robles had complied with Police Commission Resolution No. 1272-87, it was seconded, and is hereby unanimously approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 575-88

HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER RONALD HOLLINS, SOUTHERN STATION

WHEREAS, the date for the hearing to reconsider the record in decision to sustain Chief's suspension imposed on Police Officer Ronald Hollins, Southern Station, was called it having been continued from the meeting of March 9, 1988; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Clifford Jeffers, Attorney at Law, representing Officer Ronald Hollins, and by the Police Commission, that the date for the hearing in the matter of Officer Ronald Hollins be set for May 18, 1988; therefore be it

RESOLVED, that the hearing to reconsider the record in decision to sustain the Chief's suspension imposed on Officer Ronald Hollins is set for Wednesday, May 18, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 576-88

HEARING TO RECONSIDER THE RECORD IN DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER JAMES D. JONES, SOUTHERN STATION

WHEREAS, the date for the hearing to reconsider the record in decision to sustain Chief's suspension imposed on Police Officer James D. Jones, Southern Station, was called it having been continued from the meeting of March 9, 1988; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Clifford Jeffers, Attorney at Law, representing Officer James D. Jones, and by the Police Commission, that the date for the hearing in the matter of Officer James D. Jones be set for May 18, 1988; therefore be it

RESOLVED, that the hearing to reconsider the record in decision to sustain the Chief's suspension imposed on Officer James D. Jones is set for Wednesday, May 18, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER ROBERT M. LINK, TACTICAL COMPANY

The hearing of the disciplinary charges filed against Police Officer Robert M. Link, Tactical Company, was called it having been set for this date. Police Officer Robert M. Link was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in Secondary Employment without authorization (violation of Section I.C of General Order T-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Robert M. Link appeared in person and was represented by Mr. Earl J. Disselhorst, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Earl Disselhorst for the Defense. Mr. Disselhorst made a plea of guilty to Specification No. 1 and Specification No. 2 on behalf of Officer Robert M. Link.

The following named witnesses were called by the Defense, were sworn and testified:

Sergeant Mark A. Potter, Tactical Company
Officer Robert M. Link, Tactical Company

Commissioner David Sanchez, Jr. made a motion to accept the plea of Officer Link and was seconded by Commissioner Nelder and unanimously approved.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, Officer Robert M. Link be terminated, said termination to be held in

abeyance for two years and serve 90 days suspension, and for Specification No. 2, he serve 30 days suspension to be served consecutively, for a total of 120 days.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 577-88

DECISION - HEARING OF POLICE OFFICER ROBERT M. LINK, TACTICAL COMPANY

WHEREAS, on November 28, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Robert M. Link; and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Robert M. Link, Star No. 1212 (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Special Operations Division - Tactical Company;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 10, 1987, the accused, while working secondary employment at the Golden Gate Theatre, was informed by a female employee of the theater that she had observed a man outside the theatre swinging nunchucka sticks at passersby;

(4) The accused left the theatre, and with the assistance of an unknown person arrested the individual who was swinging nunchucka sticks at passersby, for violation of Section 12020 of the California Penal Code, a felony;

(5) On or about April 28, 1987, the accused testified at the preliminary hearing of the individual he arrested on or about April 10, 1987, for violating California Penal Code Section 12020. The accused, when questioned by the defense attorney whether he had obtained the names of any witnesses on the street at the time of the incident, replied that he did not;

(6) On or about June 9, 1987, the accused was called to testify at the Superior Court trial of the individual he had arrested on April 10, 1987. The accused testified he was off-duty, walking southbound on Taylor Street when he observed the defendant swinging a set of nunchucka sticks at two civilians. The accused also testified that he ran to the scene, grabbed the nunchucka sticks, identified himself as a police officer and with the assistance of an unknown individual, arrested the defendant. The accused also was asked if he was able to ascertain the names of any witnesses to the incident and he replied that he was unable to obtain any names;

(7) On or about June 10, 1987, the accused advised the Assistant District Attorney handling this criminal matter, that he had located a female witness who worked at the theatre and had observed the incident on April 10, 1987;

(8) The female witness informed the Assistant District Attorney that she had initially observed the incident on April 10, 1987, went into the theatre and found the accused sitting at the security guard's desk and informed him about the incident. The female witness also informed the Assistant District Attorney that the accused had told her on or about June 9, 1987, at least two times, not to mention that he was working at the theatre because of a "conflict of interest". The female witness also advised the Assistant District Attorney that on the morning of June 10, 1987, the accused again advised her not to mention that he worked at the theatre at the time of the incident. The female witness also informed the Assistant District Attorney that there was another employee of the theatre who had also witnessed the incident on April 10, 1987, and that they had discussed this incident with the accused immediately after the incident on April 10, 1987;

(9) On or about June 10, 1987, the felony charge against the defendant was dismissed by the Court because of the unreliable testimony of the accused and his non-disclosure of the two material witnesses, after testifying under oath that he could not ascertain the names of any witnesses to the incident;

(10) The accused, by failing to disclose, while testifying under oath, the names of two material witnesses to an arrest he made on or about April 10, 1987, and by being untruthful while testifying in a criminal proceeding, which resulted in felony charges being dismissed, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in Secondary Employment without authorization (violation of Section I.C of General Order T-1 of the San Francisco Police Department).

(11) The allegations contained in Specification No. 1, paragraphs (1) through (10), are incorporated by reference as if fully set forth herein;

(12) On or about April 10, 1987, the accused was working secondary employment as a security guard at the Golden Gate Theatre.

(13) The accused failed to obtain permission from the Chief of Police prior to engaging in secondary employment as a security guard at the Golden Gate Theatre;

(14) The accused, by failing to obtain permission from the Chief of Police, prior to engaging in secondary employment as a security guard, has engaged in conduct which constitutes a violation of Section I.C. of General Order T-1 of the San Francisco Police Department, which states:

"Members shall not engage in any other business or calling without prior written permission from the Chief of Police, except while suspended or on leave of absence without pay, subject to Charter provisions and the departmental orders, Rules and Procedures of the Department, or as provided in Section IV. of this order."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 16, 1988, and on Wednesday, March 16, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Police Officer Robert M. Link are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty] Termination to be held in abeyance for three years

Specification No. 2 [penalty] 90 days suspension

and be it further

RESOLVED, that said suspension of ninety (90) calendar days is to be imposed commencing Thursday, March 17, 1988 at 0001 hours and ending Tuesday, June 14, 1988 at 2400 hours. If any violation occurs during the three year period, termination is to be imposed.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez

Recess taken during the hearing of Officer Robert M. Link:

7:29 p.m. to 7:38 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was adjourned thereafter at 7:55 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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MARCH 23, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, Hall of Justice on Wednesday, March 23, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

MARCH 23, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, Hall of Justice on Wednesday, March 23, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

APPROVAL OF MINUTES OF MEETING OF DECEMBER 10, 1987

Approval of Minutes of Meeting of December 10, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 581-88

MARK YASUMATSU vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Mark Yasumatsu entitled "Mark Yasumatsu vs. City and County of San Francisco, et al" in the amount of $8,500.00 in Superior Court No. 882-659 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 28, 1986

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 582-88

CALIFORNIA STATE AUTOMOBILE ASSOCIATION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Automobile Association in the sum of $3,009.98 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1986

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 583-88

EDDIE LEE HOOKER, JR. vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Eddie Lee Hooker, Jr. entitled "Eddie Lee Hooker, Jr. vs. City and County of San Francisco, et al" in the sum of $4,000.00 in Superior Court No. 807-349 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 6, 1982

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 584-88

ALLSTATE INSURANCE (MARTIN ROHRS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance (Martin Rohrs) in the sum of $1,001,59 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 585-88

ROBERT MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Martinez in the sum of $540.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 586-88

USAA INSURANCE (JOE SHIMEK II)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of USAA Insurance (Joe Shimek II) in the sum of $505.41 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 587-88

GLEN RAY CALDWELL vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Glen Ray Caldwell entitled "Glen Ray Caldwell vs. City and County of San Francisco" in the sum of $500.00 in Superior Court No. 854-757 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 2, 1985

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 588-88

THE CITY TOW (SWIG, JULLIAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Swig, Jullian) in the sum of $420.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 589-88

MANNY GONZALEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Manny Gonzalez in the sum of $373.12 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 590-88

THE CITY TOW (TORRES, FLOYD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Torres, Floyd) in the sum of $340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 591-88

THE CITY TOW (GUINAN, HELEN B.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Guinan, Helen B.) in the sum of $260.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 592-88

SERAFINO GIOVANNONI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Serafino Giovannoni in the sum of $240.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 593-88

JAMES A. TRABULSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James A. Trabulse in the sum of $225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 594-88

CITY TOW (SHAREEF, STAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Shareef, Stan) in the sum of $210.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 595-88

MATTOX, KATHERINE ANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mattox, Katherine Ann in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 596-88

THE CITY TOW (HERMAN, DANIEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Herman, Daniel) in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 597-88

DONNA HERRON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna Herron in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 598-88

CITY TOW (HERON B. HARRIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Heron B. Harris) in the sum of $190.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 599-88

CITY TOW (LAMONT L. LANGFORD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lamont L. Langford) in the sum of $190.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 600-88

JEROLD STOLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerold Stoll in the sum of $180.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 601-88

RUTH ROBBINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruth Robbins in the sum of $175.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 602-88

PETER SCHERRER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Scherrer in the sum of $175.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 603-88

MARVIN WHITFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marvin Whitfield in the sum of $175.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 604-88

KAREN HELLMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Hellman in the sum of $165.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 605-88

CITY TOW (KATHRYN MARIE BOWMAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kathryn Marie Bowman) in the sum of $160.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 606-88

CITY TOW (GREGORY SCHOFIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gregory Schofie) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 607-88

CITY TOW (WILLIAM CHAMBERLAIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (William Chamberlain) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 608-88

CITY TOW (MARIO GUERRERO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mario Guerrero) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 609-88

CITY TOW (SETH GRAY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Seth Gray) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 610-88

CITY TOW (JEFFREY LEE DeGALLERY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jeffrey Lee DeGallery) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 611-88

CITY TOW (DAVID CAM DAU)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (David Cam Dau) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 612-88

CITY TOW (HON WAH YEE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Hon Wah Yee) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 613-88

CITY TOW (KELLY GODSPEED)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kelly Godspeed) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 614-88

CITY TOW (CAROLE ALTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Carole Alter) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 615-88

CITY TOW (MICHAEL WRIGHT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Michael Wright) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 616-88

CITY TOW (JOSEPH MOALEM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Joseph Moalem) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 617-88

CITY TOW (ALBERT BURLSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Albert Burlson) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 618-88

CITY TOW (MT. ELLINGTON JOHNSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mt. Ellingston Johnson in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 619-88

CITY TOW (SUSAN K. COLE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Susan K. Cole) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 620-88

CITY TOW (CECELIA WILSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Cecelia Wilson) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 621-88

CITY TOW (JACKIE VARGAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jackie Vargas) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 622-88

CITY TOW (JODI STEWART)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jodi Stewart) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1987

AYES: Commissioners Giruaudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 623-88

CITY TOW (BOB LEECH/REUBEN A. ANCHUNDO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Bob Leech/Reuben A. Anchundo) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 624-88

CITY TOW (GORDON E. MILLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gordon E. Miller) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 625-88

CITY TOW (ROBERT REID)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert Reid) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 626-88

CITY TOW (HOLLIS REED)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Hollis Reed) in the sum of $140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 627-88

DEBORAH S. LOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah S. Lomas in the sum of $140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 628-88

STANLEY E. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley E. Williams in the sum of $140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 9, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 629-88

HERBERT MARROQUIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herbert Marroquin in the sum of $130.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 630-88

KERRY SHAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kerry Shaw in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 631-88

KAREN STEFFENS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Steffens in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 632-88

GREG DALE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Greg Dale in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 633

CITY TOW (ANTOINETTE GRIMES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Antoinette Grimes) in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 634-88

CITY TOW (VINCENT DOHERTY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Vincent Doherty) in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 635-88

THE CITY TOW (MACLEAN, BARBARA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (MacLean, Barbara) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 636-88

CHRISTINE MULHOLLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Mulholland in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 637-88

GEORGIA HARBOUR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Georgia Harbour in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 31, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 638-88

MONTEFIERRO, ELENA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Montefierro, Elena in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 639-88

RAFAEL RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rafael Rodriguez in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 640-88

JOHN PATRICK KIHN

RESOLVED, that the judgement made by the City Attorney for settlement of the claim of John Patrick Kihn in the sum of $116.75 in Small Claims action no. 473-313 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 26, 1986

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 641-88

THE CITY TOW (ZAMARRA, RANDALL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Zamarra, Randall) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 642-88

THE CITY TOW (ANTHONY, REGINA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Anthony, Regina) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 643-88

CITY TOW (WILLIAMS, JOHN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Williams, John) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 644-88

ELAINE SOSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elain Sosa in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 645-88

JIM G. COCOLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim G. Cocoles in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 646-88

SANTOS MANRIQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Santos Manriquez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 647-88

ROBERT A. VENEGAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert A. Venegas in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 648-88

PAK-HO YEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pak-Ho Yeung in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 649-88

GINA BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina Brown in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 650

DEBORAH BORDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Borda in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 651-88

NICHOLAS N. TYLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas N. Tyll in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1988

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session in an Attorney Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said most of the information he had to tell the Commission is about the current demonstrations against troops being sent to Honduras and it has been seen in the papers and on TV and the only thing he has to report now is that there is another one apparently planned for Saturday which the Department will be looking into. He said it allegedly will be starting at the Civic Center Plaza and will wind its way down to the Marina Green. He said the Department Staff will continue to meet with the organizers and evaluate what the exact route of the demonstration will be and what kind of monitors will be in place. He said, hopefully, the Department will be able to follow up properly, in terms of adequate staffing, for crowd control and traffic control. He said it is supposed to be the largest of all of the demonstrations the city has had so far. He said he would keep the Commission advised.

PUBLIC HEARING ON REVISED GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

Chief Frank Jordan said that this General Order A-5 is one he discussed briefly last week and the Commission now has the proposed General Order A-5 before it. He said what it really amounts to is one additional position of a captain that will be reporting directly to the Chief as head of the Staff Inspection Office. He said that would be on page 3, item D, "The Staff Inspection Office (SIO) will conduct an in-depth inspection at least once a year of all the major elements of the Department such as Patrol, Criminal Investigations, Traffic and major Staff Units." He said it will also be evaluating different policies and procedures that the Department has on line with an eye to consolidating them and having things work a little smoother by eliminating duplication of efforts. The SIO will be looking at a variety of different areas and concerns not only policies, but equipment and procedures also.

The Chief then continued with detail accounts of the General Order which he said if adopted by the Commission will be distributed throughout the Department to each individual Officer.

Commissioner Nelder, thereafter, said he would make a motion to adopt General Order A-5. Commissioner Owens seconded and it was unanimously approved for adoption.

Chief Frank Jordan then announced that there will be a ceremony tomorrow morning at 10 AM in the Commission Hearing Room to appoint the Deputy Chief who is Frank Reed and the Commander who is Fred Lau. He said all of the Commissioners and public are invited to attend.

RESOLUTION NO. 578-88

DEPARTMENT REVISED GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

RESOLVED, that the Police Commission hereby approves revised General Order A-5, "Organizational Structure and Functions".

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said that while he recognized that the Police Department and the OCC must remain separate entities, Chief Frank Jordan and himself had the occassion to meet twice on matters that were of mutual concern. He said he would like to cover a couple of them so that the Commission will be aware of them. He said they met and discussed their efforts to produce better investigative reports and evidence with respect to sustained cases so that when the cases are brought to the Police Commission they will have all of the evidence and everything is complete. He said they also discussed matters of improving the processing of complaints at the District Station levels and with respect to the 293 intake form being completed and the information being in the right place. He said the Chief has asked him to attend the New Captain's Training course to address that group and express his concerns on those issues so that they will carry them back to their stations. He said they also discussed the feasibility of a representative of the OCC attending disciplinary hearings before the Commission on OCC cases of which the Chief said he would not object to and happily invited him to attend disciplinary hearings in the Chief's Office on OCC matters. He said the other thing that they did discuss was a coordination of their efforts for demonstration purposes. He said when the Chief gets information with respect to demonstrations that they (OCC) in fact would be notified so that they will be available when possible to cover them. He said he would like to report that the Chief was extremely cordial to him and very, very receptive and he really deeply appreciated his attitude and his concern for him and the OCC and he would wish the Commission would take note of that as he very much appreciated it.

REQUEST OF THE CHIEF OF POLICE FOR AUTHORIZATION TO APPLY FOR AND ACCEPT A STATE GRANT IN THE AMOUNT OF $111,111 FROM THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING FOR A PROJECT ENTITLED "CAREER CRIMINAL APPREHENSION PROGRAM"

Lieutenant Charles Hoenisch said he was the Project Director of an existing OCJP Grant the same amount of money that was approved by the Commission and Board of Supervisors last year. He said what his unit has done is applied for another grant. He said the outgoing grant has been very successful although they have not closed it down as yet but their success rate is very good and they would like to continue along in the same operation and would like to obtain the permission from the Commission to accept another Grant if it is offered.

Commissioner Owens said she would make a motion to approve. Commissioner Nelder said he would second it and it was unanimously approved.

RESOLUTION NO. 579-88

AUTHORIZING THE CHIEF OF POLICE OF THE CITY & COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS IN THE AMOUNT OF $111,111 FROM THE STATE OFFICE OF CRIMINAL JUSTICE PLANNING FOR A PROJECT ENTITLED "CAREER CRIMINAL APPREHENSION PROGRAM"

WHEREAS, the Chief of Police of the City and County of San Francisco is directed to submit to the Office of Criminal Justice Planning on behalf of the City and County of San Francisco a grant application for law enforcement purposes; and be it

RESOLVED, that the grant funds received hereunder shall not be used to supplant law enforcement expenditures controlled by this body; and be it further

RESOLVED, that in the event the Office of Criminal Justice Planning consents to fund said project, the Chief of Police of the City and County of San Francisco is authorized to execute said project, including any extensions or any amendments thereof that would not increase the matching fund obligations of the City and County of San Francisco pursuant to the contract; and be it further

RESOLVED, that the applicant agrees to provide all matching funds required for said project (including any extensions or amendments thereof) under the Crime Control Act 1 and the rules and regulations of the Office of Criminal Justice Planning (OCJP) and that cash will be appropriated as required thereby; and be it further

RESOLVED, that indirect costs are included in the grant's budget.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

The hearing of Police Officer Michael J. Walsh, Richmond Station, was called it having been set for this date. Police Officer Michael J. Walsh was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Michael J. Walsh appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution. Mr. Gash requested dismissal of all charges filed against Officer Walsh on behalf of the Chief of Police and the Police Department, and he is to receive restitution for the 50 calendar days suspension imposed on him.

RESOLUTION NO. 580-88

WHEREAS, it has been requested by the Chief of Police Frank M. Jordan and the Police Department to dismiss all charges filed against Police Officer Michael J. Walsh; therefore be it

RESOLVED, that all charges filed against Police Officer Michael J. Walsh are hereby dismissed and he is to receive restitution for the suspension days imposed on him commencing Wednesday, March 4, 1987 and ending close of business Thursday, April 23, 1987.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

The meeting, thereafter, was adjourned at 6:20 p.m..

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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